UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS, UNITED STATES DEPARTMENT OF LABOR, Plaintiff, v. ORACLE AMERICA, INC., Defendant.	OALJ Case No. 2017-OFC-00006

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JUN 19 2019
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San Fr...

PLAINTIFF'S MOTION TO COMPEL ORACLE'S COMPENSATION ANALYSES

Pursuant to the Rules of Practice for Administrative Proceedings to Enforce Equal Opportunity Under Executive Order 11246, Plaintiff Office of Federal Contract Compliance Programs (OFCCP) hereby moves to compel Oracle to produce all documents responsive to OFCCP's RFPs 71, 72, 80, 93, 95–98, 103–104, 148, 150–155, 158–159, and 174, and for an order recalling Shauna Holman-Harries to answer questions about the documents Oracle produces as a result of the Court's order and about the topics on which she refused to answer,

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during her deposition, based on assertions of privileges that are overruled.

Respectfully submitted,

Date: June 19, 2019

KATE S. O'SCANNLAIN
Solicitor of Labor

JANET M. HEROLD
Regional Solicitor

JEREMIAH MILLER
Counsel for Civil Rights

/s/ Laura Bremer
LAURA C. BREMER
Senior Trial Attorney

UNITED STATES DEPARTMENT OF LABOR
Office of the Solicitor
90 7th Street, Suite 3-700
San Francisco, CA 94103
Telephone: (415) 625-7757
Fax: (415) 625-7772
E-Mail: Bremer.Laura@dol.gov

CERTIFICATE OF SERVICE

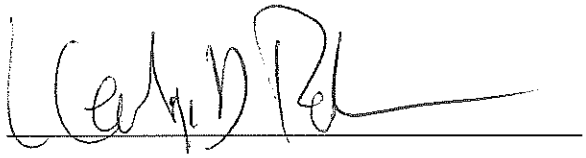
I am over 18 years of age and am not a party to the within action. My business address is 90 7th Street, Suite 3-700, San Francisco, California 94103.

On June 19, 2019, I served the foregoing **PLAINTIFF'S MOTION TO COMPEL AND FOR ORDER SETTING PRODUCTION SCHEDULE** on Defendant Oracle America, Inc. by serving its attorneys below via electronic mail, pursuant to the parties' agreement:

Gary R. Siniscalco: grsiniscalco@orrick.com
Erin M. Connell: econnell@orrick.com
Jessica R.L. James: Jessica.james@orrick.com
Jacqueline Kaddah: jkaddah@orrick.com

I declare under penalty of perjury that the above is true and correct.

Date: June 19, 2019



LLEWLYN D. ROBINSON

UNITED STATES DEPARTMENT OF LABOR
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PLAINTIFF'S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO COMPEL ORACLE'S COMPENSATION ANALYSES

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INTRODUCTION

OFCCP brings this motion to compel Oracle to produce records Oracle was required to make, maintain, and provide to OFCCP for review *as a condition of receiving federal money.* As a condition of doing business with the federal government, contractors are required to agree that they will not engage in unlawful pay discrimination against women or other protected groups. To ensure that they are not engaging in such prohibited discrimination, federal contractors specifically agree to take steps to analyze and identify periodically any disparities in pay for protected groups and take steps to remedy such disparities. Contractors are required to document these affirmative steps and make these documents available to OFCCP, so OFCCP can ensure that taxpayer money is not funding discrimination.

These analyses are central to the issues in dispute in this litigation. First, OFCCP specifically alleges, and Oracle specifically *denies* in its Answer, that Oracle failed to supply evidence that it complied with its affirmative action obligation to analyze regularly its compensation practices to reveal and remedy any pay disparities for protected groups. Second, OFCCP specifically alleges—and Oracle also specifically denies—that Oracle engaged in intentional pay discrimination against its female, Asian, and Black employees. Second Am. Compl. ("SAC") ¶¶11–32; Answer to SAC ¶11–32. Although OFCCP will prove such intentional pay discrimination chiefly through statistical analysis of Oracle's compensation data, OFCCP also can support a finding of intentional discrimination by showing that Oracle analyzed and detected pay disparities for these female, Asian, and Black employees, but took no steps to remedy the pay disparities revealed by such analysis. *See Gonzales v. Police Dep't, City of San Jose, Cal.*, 901 F.2d 758, 761 (9th Cir. 1990). Third, in regard to the statistical analyses that will be presented by Oracle in support of its defenses here, the findings and methodology of any prior compensation analyses it performed are relevant to the plausibility of any methodology it chooses to adopt in this litigation now.

OFCCP has been seeking these analyses since the first days of its compliance audit. Oracle has vacillated in the last four years between intermittently denying it conducted such

analyses (or that records of those analyses existed) and claiming that such analysis are fully privileged from disclosure under the attorney work product and/or attorney-client privileges. At long last, the record is finally clear that Oracle did perform some analyses as required by their Affirmative Action obligations and that records of these analyses *exist*.

Oracle's assertions of privilege regarding these records it was required to make, maintain, and open for inspection by OFCCP have always been frivolous. Oracle went through the motions of taking steps required by its contracts and regulation—including conducting compensation analyses—not to secure legal advice or in anticipation of litigation, ***but because these analyses and records were required as a condition of securing federal money.*** It is well settled that assigning these mandatory federal contractor duties to an attorney to perform does not transform records about their contractual performance into privileged documents. Privilege may not be used as a sword and a shield. Oracle cannot both claim it complied with its promises under its contract, which included a promise to make records of its Affirmative Action compliance efforts available for review by OFCCP, and claim all records regarding its compliance cannot be disclosed due to privilege. Even assuming *arguendo* that Oracle's privilege assertions were not frivolous, Oracle's defenses and claims in its Answer, and its gamesmanship and failure to provide a complete or timely privilege log, renders any possible claims of privilege fully waived.

These records should have been made available to OFCCP long ago. Oracle has enjoyed the benefit of its bargain with the government by receiving hundreds of millions in taxpayer money. Oracle must perform its mandatory contractual duties and produce these records.\

BACKGROUND

A. Oracle Received More Than $100 Million in Federal Contracts Annually On Condition that It Analyze and Redress Gender and Race-Based Compensation Disparities.

Oracle received over $100 million dollars each year from the federal government since 2013. *See* Decl. of Laura Bremer (Bremer Decl.) ¶21, Ex. 21.[1] In exchange, Oracle agreed not to

[1] Unless otherwise stated, citations to exhibits in this motion are citations to exhibits to the attached Declaration of Laura Bremer.

discriminate against employees because of race or sex, and to "take affirmative action to ensure" that "employees are treated" without regard to their race or sex in "rates of pay or other forms of compensation." Dep. of Shauna Holman-Harries (HH Dep.) 57:12-62:24; Exs. 2 & 4; 41 C.F.R. § 60-1.4 (Equal Opportunity Clause to be contained in Government contracts). Oracle also agreed to comply with Executive Order 11246 and all of its related regulations, and to furnish all information required by the regulations to the Department of Labor. 41 C.F.R. § 60-1.4(a)(5)-(6).

B. During the Compliance Review, Oracle Claimed That Oracle Did Compensation Analyses, But Refused to Provide the Details or Documentation.

Pursuant to Executive Order 11246, on or about September 24, 2014, OFCCP initiated a compliance review at Oracle's headquarters. Bremer Decl. ¶6. OFCCP requested the production of "all self-audits/pay equity studies and salary surveys" from Oracle in November 2014. *Id.* ¶7. OFCCP also made repeated requests throughout the compliance review, requesting the dates of any "internal pay equity analysis conducted during the past three years, as required under 60-2.17," and requesting for each analysis "[a]ctions taken, if any, as a result of the analysis." *Id.* ¶¶9, 11, 14, Exs. 8, 10; HH Dep. 202:23–203:10, 279:17–280:10.

Shauna Holman-Harries, Oracle's Director of Diversity Compliance, responded to these requests by stating that: "compliance does equity studies;" "[c]ompliance does [self-audits] under attorney-client privilege," and "[w]ith regard to pay audits to assess legal compliance with Oracle's non-discrimination obligations and to further ensure Oracle's compensation policies and practices are carried out, those are conducted by our outside EEO compliance counsel at Orrick." Bremer Decl. ¶¶2, 10, 12–13, Exs. 9, 11–13; HH Dep. 204:15–205:01, 209:01-209:19, 210:21-211:24, 224:22-237:12.

Oracle refused to supply OFCCP with any of its compensation analyses conducted between 2013 and 2015, the datasets used in the analyses, actions taken as a result of the analyses, or even the dates these analyses were conducted. Bremer Decl. ¶14, Ex. 14; HH Dep. 274:16-275:5. Oracle refused to supply these documents, even after OFCCP issued a Notice of Violation to Oracle on March 11, 2016. Bremer Decl. ¶15, Ex. 15; HH Dep. 129:5–130:4.

C. OFCCP Filed this Enforcement Action, Alleging Pay Discrimination and Failure to Provide Evidence that Oracle Had Analyzed and Taken Action to Correct Pay Disparities, which Oracle Denied.

OFCCP filed its Complaint on January 17, 2017. In its Complaint and later amended complaints, including the operative SAC, OFCCP alleges that since at least January 1, 2013, Oracle discriminated against qualified female employees in compensation in its Product Development, Information Technology, and Support Job Functions at Oracle's headquarters ("HQCA") and discriminated against qualified Asian and Black or African American employees in compensation in its Product Development job function at Oracle's HQCA. Compl. ¶¶7–9; SAC at ¶¶11–32. Oracle denies these allegations. Answer to SAC ¶11–32.

OFCCP also alleges that Oracle violated 41 C.F.R. § 60-1.12(a) and other OFCCP regulations by failing to supply "analyses of Oracle's total employment process as required by 41 C.F.R. § 60-2.17" during the compliance review, "continu[ing] to refuse to produce any detailed analysis of its compensation structure, conducted pursuant to 41 C.F.R. § 60-2.17(b)-(d)," and failing to provide evidence of its compliance with the requirements of § 60-2.17 and "its obligation to develop and maintain an Affirmative Action Program." SAC, ¶¶ 44–45, 47, 50. Moreover, Oracle's refusal to produce these documents strongly suggests that the information contained in them is unfavorable to Oracle and further supports OFCCP's discrimination claims against Oracle. SAC, ¶ 50.

Oracle denies these allegations. Answer to SAC, ¶¶ 44-45, 47, 49-50. And, in its 25th affirmative defense to OFCCP's Second Amended Complaint, Oracle asserts "both attorney client privilege and the work product privilege for covered documents and records" as a defense to OFCCP's claims. *Id.* at p. 11.

D. In This Action, Oracle Continued to Refuse to Produce Any Compensation Analyses or Actions Taken to Correct Pay Disparities, Without Identifying the Documents at Issue.

Soon after filing this action, OFCCP propounded requests for production of documents ("RFPs"), seeking the compensation analyses Oracle had refused to provide to OFCCP. Bremer Decl. ¶16, Ex. 16 (RFP Nos. 71, 72, 80). Oracle objected, and the parties met and conferred about Oracle's objections for months. *Id.* ¶¶17–20. After Judge Larsen indicated that he would

overrule the objections, Oracle amended its responses, claiming "no responsive documents exist." *Id.* ¶¶ 22–23, 25, Ex. 22.

After Oracle began claiming that no responsive documents existed, OFCCP served additional RFPs, using a variety of terms, to prevent Oracle from dodging the RFPs by interpreting them narrowly. Bremer Decl. ¶¶24, 27, 29; Exs. 23 (RFP Nos. 93, 95–98, 103, 104), 25 (RFP Nos. 148, 150–155, 158, 159, 174). Oracle again objected, including many boiler-plate objections similar to those it had made before. Bremer Decl. ¶¶26, 28, Exs. 24, 26. In response to these new RFPs, Oracle produced no ***analyses***, instead only producing ***data*** that allegedly "reflect the evaluative processes and actions Oracle undertakes to ensure fair and equitable decision-making and the justifications for the aforementioned compensation and hiring decisions." *See* Response to RFP No. 150, Ex. 26 at pp. 42–44.

Other than this raw data for individual employees, Oracle refused to state whether responsive documents existed during the meet-and-confer discussions. Bremer Decl. ¶¶29–37, Ex. 35 (April 10, 2019 Letter). Oracle asserted that ***if*** they existed, such documents were privileged. Bremer Decl. ¶¶ 37–38, Exs. 35–36.

E. Recent Depositions Revealed Responsive Documents Exist.

On May 8, 2019, OFCCP deposed Shauna Holman-Harries, who oversees Oracle's OFCCP compliance efforts. Oracle's Affirmative Action Plan ("AAP") designates Ms. Holman-Harries as "responsible for implementing an effective auditing and reporting system," which "includes analyzing the results of employment actions on a regular basis to determine their impact on Oracle's AA/EEO objectives," including "performance in . . . compensation." Bremer Decl. ¶¶3, 4; Exs. 2 (HH Dep. 73:01–74:05, 106:20–107:8), 3 (at p. 11).

At her deposition, Ms. Holman-Harries stated that her compliance group prepared audit reports to assess Oracle's performance regarding compensation, but counsel instructed her not to provide testimony about them on the ground that they were done "at the direction of our attorneys." HH Dep. 175:20-177:1 ("[A]ny kind of pay analysis by my team was done under attorney-client work product and was submitted to our attorneys as part of their work product and as part of privileged information, you know, in the assessment of pay."); *see also id.* 243:19-

247:20 (instructing her not to answer with regard to what attorneys may have requested or what analyses were done at the request of counsel). She refused to testify, again on the basis of privilege, as to whether the compensation analyses identified any problem areas. *Id.* 244:18–247:7.

Ms. Holman-Harries admitted sending compensation analyses to Oracle's counsel, as well as data. HH Dep. 128:7-24, 107:9-109:4, 98:17-99:22 ("[W]e ran the information at their direction and provided it to them."). To develop internal audit reports on compensation, Oracle's compliance group "pulled data for our attorneys with regard to affirmative action, but it was part of attorney-client work product." *Id.* 109:10-110:22, 112:20-24.

F. More Than Five Years after OFCCP's First Request, Oracle Supplements Its Privilege Log Identifying Vaguely, Albeit Wholly Incompletely, Responsive Documents Withheld.

After Judge Larsen granted OFCCP's motion to compel responses to OFCCP's requests for compensation analyses and ordered Oracle to produce a privilege log "to the extent Oracle withholds any documents on the basis of privilege," Oracle finally produced a privilege log on October 26, 2017. Bremer Decl. ¶¶39–40, Ex. 38. Oracle's October 2017 privilege log did not identify any analyses of Oracle's compensation systems or related documents, and it provided no information about "attachment(s)" prepared by Oracle that were sent to its attorneys. Ex. 38. When OFCCP identified these deficiencies, Oracle refused to correct or supplement the log. Bremer Decl. ¶¶41–43, Exs. 39–41.

Only after Ms. Holman-Harries admitted during her deposition on May 8, 2019 that she sent data and compensation analyses to Orrick, did Oracle indicate that it was withholding documents responsive to the requests for compensation analyses. Bremer Decl. ¶44, Ex. 42. On May 22, 2019, Oracle sent OFCCP a document it dubbed a "categorical privilege log," identifying two categories of documents it was withholding on the basis of attorney client privilege and attorney work product doctrine. Ex. 42. The first category is "evaluations of Oracles compensation system related to HQCA employees conducted at the direction of counsel." The second category is "[c]ommunications with or at the direction of counsel regarding evaluations of Oracles compensation system related to HQCA employees conducted at

the direction of counsel."[2] No specific document is specified by date created, description, author, sender, date sent, or recipients, nor does the privilege log identify what documents have been attached to any of these communications.

ARGUMENT

I. As a Condition of Securing $100 Million Annually in Taxpayer Monies, Oracle Agreed Not to Discriminate Against Female, Black and Asian Employees in Compensation, to Conduct Analyses to Identify Any Pay Disparities, to Take Action to Correct Them, and to Make All Compliance Steps Open to Inspection by OFCCP.

Since at least 1965, the federal government has prohibited employers from using taxpayer dollars to fund unlawful discrimination. *See* Executive Order 11246 § 202, 30 Fed. Reg. 12319 (Sept. 24, 1965). To promote this important policy, federal contractors agree that in exchange for the privilege of receiving federal business, they will not discriminate on the basis of race or sex, and will comply with additional affirmative action and recordkeeping requirements that apply to federal contractors. *See id.*

Federal Contractors must develop and maintain written affirmative action programs ("AAPs"). 41 C.F.R. §§ 60-1.40(a), 1.12(b). AAPs are intended to assist contractors in monitoring their employment practices to ensure they are nondiscriminatory and that affirmative action is taken to ensure equal employment opportunity. Government Contractors, Affirmative Action Requirements, 62 Fed. Reg. 44174, 44179 (Aug. 19, 1997). "[A]n acceptable affirmative action program ***must*** include the following:"

> (b) *Identification of problem areas.* The contractor must perform ***in-depth analyses*** of its total employment process to determine whether and where impediments to equal employment opportunity exist. At a minimum the contractor must ***evaluate***: . . .

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[2] The categorical privilege log does not identify any compensation analyses or related documents prepared solely by Oracle's attorneys, despite the representation in Oracle's March 14, 2019 meet and confer letter that "Oracle's pay analyses 'to assess legal compliance' were conducted by Mr. Siniscalco, who was and is outside counsel to Oracle." Bremer Decl. ¶30, Ex. 28. Mr. Siniscalco stated during the compliance review that he represented "Oracle in connection with its Affirmative Action and Equal Employment Opportunity Compliance practices." *See* Mar. 31, 2015 Letter, Ex. 7.

(3) ***Compensation system(s)*** to determine whether there are gender-, race-, or ethnicity-based disparities;

(c) *Action-oriented programs.* The contractor must develop and ***execute action-oriented programs*** designed ***to correct any problem areas identified*** pursuant to §60-2.17(b) and to attain established goals and objectives. In order for these action-oriented programs to be effective, the contractor must ensure that they consist of more than following the same procedures which have previously produced inadequate results. Furthermore, a contractor must demonstrate that it has made good faith efforts to . . . expand employment opportunities, and produce measurable results.

(d) *Internal audit and reporting system.* The contractor must develop and implement an ***auditing system*** that periodically measures the effectiveness of its total affirmative action program. The actions listed below are key to a successful affirmative action program:

(1) Monitor records of . . . compensation, at all levels to ensure the nondiscrimination policy is carried out;

(2) Require internal reporting on a scheduled basis as to the degree to which equal employment opportunity . . . objectives are obtained;

(3) Review report results with all levels of management; and

(4) Advise top management of program effectiveness and submit recommendations to improve unsatisfactory performance.

41 C.F.R. § 60-2.17 (emphasis added).

The regulations make plain that federal contractors are required not just to take these affirmative actions, but to document what they did and provide these documents to OFFCP for inspection, so that OFCCP can *verify* that the contractor did what they *promised to do.* "Contractors must maintain and make available to OFCCP documentation of their compliance with §§ 60-2.11 through 60-2.17." 41 C.F.R. § 60-2.10(c); *see also* 41 C.F.R. §§ 60-2.32, 60-1.12(c)(2); Government Contractors, Affirmative Action Requirements, 62 Fed. Reg. 44174, 44179 (Aug. 19, 1997) ("OFCCP . . . reviews and relies upon the AAP to determine whether the contractor is complying with the Executive Order and regulations."); Government Contractors, Affirmative Action Requirements, 65 Fed. Reg. 68022, 68039, 2000 WL 1684891 (Nov. 13. 2000) (noting that the disclosure provision requiring contractor to make records available to OFCCP "is designed to ensure that OFCCP will have access to the records it needs to ascertain a contractor's compliance with its obligations").

Indeed, as the courts have recognized, OFCCP's mission is to "eradicate employment discrimination,"[3] and among the most important tools given to OFCCP to achieve its mission is the power to ensure that contractors comply with all of the promises made in their AAPs. As explained by the Court in *OFCCP v. Disposable Safety Wear, Inc.*:

> The personnel data compiled and correlated in an AAP is not mere paperwork, but a practical necessary. . . . Without this self-evaluation, neither the contractor, nor OFCCP as the compliance agency, knows, for example, whether women are excluded from non-traditional jobs, whether handicapped employees can be promoted to jobs for which accommodations can be made, or whether the company needs to begin to recruit Vietnam era veterans.

No. 92-OFC-11, slip op. at 13 (ALJ Aug. 20, 1992), *rev'd on other grounds* (Sec'y Sept. 29, 1992) (citation omitted); *see also HUD v. S.T.C. Constr. Co.*, No. 77-OFC-5, 1980 WL 275521 at *4 (Sec'y June 24, 1980) (finding debarment was the appropriate remedy because contractor "agreed as part of its contract that it would provide required reports and would provide access to its books and records" and did not do so); *Uniroyal, Inc. v. Marshall*, 482 F. Supp. 364, 374–75 (D.D.C. 1979) (noting the "policy and program would be nothing more than an empty shell . . . unless it is backed by adequate means of enforcement" and that "[e]ffective enforcement, in turn, depends, first, on access to . . . records of the contractors; and second, on the availability of meaningful sanctions when such access is denied").

To ensure that federal contractors are not using federal money to support discrimination, OFCCP necessarily relies upon review of a federal contractor's documentation of the steps it took to comply with the promises made in its AAP. Federal contractors, like any employer, play a dangerous game if they fail to provide sufficient documentation of any acts taken to comply with federal regulation: "When an employer is specifically tasked with maintaining sufficient documentation to show that it adhered to the law, and does not do so, it is fair to infer that it did not do so." *Administrator v. Fernandez Farms, Inc. et al.*, No. 2014-TAE-00008, slip op. at 49 (ALJ Aug. 25, 2016) (citing *Administrator v. Greater Missouri Med. Pro-Care Providers, Inc.*, ARB No. 12-015, slip op. at 22 (ARB Jan. 29, 2014)).

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[3] *Emerson Elec. Co. v. Schlesinger*, 609 F.2d 898, 903 (8th Cir. 1979) (citing the shared missions of EEOC and OFCCP).

Oracle admits it accepted over $100 million annually in federal contracts since 2013 in exchange for specifically agreeing to comply with Executive Order 11246 and attendant regulations, and to furnish all information required by the regulations to the Department of Labor. *See supra* Background § A. When asked by OFCCP what steps Oracle had taken to meet its AAP obligations related to analyzing pay equity, Oracle admits that it conducted these compensation analyses—Oracle's claim simply is that it does not have to reveal the analyses because Oracle assigned these analyses to be performed or supervised by an attorney. *See id.* § B; Bremer Decl. ¶ 13, Ex. 13 ("[C]ompliance does equity studies" and "Compliance does [self-audits] under attorney-client privilege"); *Id.* ¶ 10, Ex. 9 ("With regard to pay audits to assess legal compliance with Oracle's non-discrimination obligations and to further ensure Oracle's compensation policies and practices are carried out, those are conducted by our outside EEO compliance counsel at Orrick.").[4]

Although admitting that "compliance does equity studies" and Oracle conducted pay audits "to assess legal compliance with Oracle's non-discrimination obligations," Oracle has

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[4] Oracle has dabbled as of late with a claim that *other* compensation analyses were done by low-level managers to whom Oracle claims it delegated authority to make compensation decisions. HH Dep. 126:5-17, 174:12-175:9, 178:9-16. Oracle has also produced no documents regarding the alleged compensation analyses these managers performed, most likely because—as admitted by Juan Loiaza, Executive Vice President for Product Development, in his deposition on June 14, 2019, these low-level managers did not—*in fact*—conduct any type of gender or race-based assessment. Declaration of Norman Garcia (Garcia Decl.) ¶¶2–6, Ex. 48. The record is also clear that these managers could not have conducted the in depth analyses required by the regulations because they lacked basic training as to what Oracle is attempting to claim now that it assigned them to do, and the managers lacked access to any compensation data for any employee outside of their own narrow group. Garcia Decl. ¶ 6, Ex. 48, Dep. of Juan Loiaza 145:23–146:19; Bremer Decl. ¶48, Ex. 46 at 10–11, HH Dep. 249:11–254:23, 269:7–270:12. In any event, the subject of this motion to compel is only the compensation analyses such as those Oracle's compliance team and its attorneys admittedly conducted—as these are the only compensation analyses which could conceivably have any bearing on Oracle's obligation under its AAP and accompanying regulations to conduct in-depth analyses of its compensation regularly to identify and redress gender and racial pay disparities. The data Oracle claims "reflects" analyses purportedly conducted by low-level managers in making individual pay decisions is contained within more than 5,400 data files, with over 1,000 of data fields, and tens of thousands of accompanying documents, and does not constitute in-depth analyses of Oracle's compensation systems as contemplated by the regulations. Bremer Decl. ¶¶45–47, Exs. 43–45.

refused since day one of OFCCP's compliance audit to provide any documentation of these self-evaluations to OFCCP.

II. Oracle's Records and Documentation of Efforts to Analyze Gender and Racial Pay Disparities, and Steps Taken, If Any, to Correct Pay Disparities Cannot Be Privileged From Disclosure to OFCCP.

What Oracle did with respect to its obligations to analyze its compensation systems is critical to this matter, because "evidence that the employer violated its own affirmative action plan may be relevant to the question of discriminatory intent." *Gonzales v. Police Dep't, City of San Jose, Cal.*, 901 F.2d 758, 761 (9th Cir.1990) (citing cases). And this is particularly so where the affirmative action plan at issue is one mandated by OFCCP contractual provisions. *See Mozee v. Am. Commercial Marine Serv. Co.*, 940 F.2d 1036, 1044 (7th Cir. 1991) (finding evidence federal contractor "neglected to establish means by which it could monitor compliance" with its AAP objectives supported finding of intentional discrimination); *Anderson v. Boeing Co.*, 222 F.R.D. 521, 537 (N.D. Okla. 2004) (if "Boeing failed to correct gender disparities in salary despite knowledge of their existence" from compensation analyses conducted as part of its OFCCP affirmative action program it could evince a discriminatory intent that could support a disparate treatment theory).[5]

It has taken years for Oracle to confirm that records exist regarding these efforts to meet Oracle's contractual and regulatory obligations. At long last, on May 8, 2019, Ms. Holman-Harries admitted that ***her team*** conducted compensation analyses. HH Dep. 107:9–109:4,

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[5] *See also Allen v. Sundstrand Corp.*, No. 97 C 50188, 2000 WL 1335738, at *3 (N.D. Ill. Sept. 5, 2000) (finding failure to "effectively monitor compliance" with OFCCP affirmative action requirements may be relevant to disparate treatment allegations); *Martin v. Potomac Elec. Power Co.*, No. 86-0603, 1990 WL 158787, at *4 (D.D.C. May 25, 1990) (noting "a weakly worded, unimaginative, and unaggressive analysis responding to data showing a significant failure" can support a finding of discrimination); *cf. Hardy v. New York News, Inc.*, 114 F.R.D. 633, 641 (S.D.N.Y. 1987) (finding relevance of AAP documents to "element of discriminatory intent" outweighed policy concerns regarding disclosure); *Chang v. Univ. of Rhode Island*, 606 F. Supp. 1161, 1181 (D.R.I. 1985) (finding failure to satisfy EEOC requirements for a federal contractor was evidence of discriminatory intent); *Antol v. Perry*, 82 F.3d 1291, 1301 (3d Cir. 1996) ("A reasonable jury could consider the Agency's failure to take seriously its stated commitment to disabled veterans and the active resistance to implementing that commitment as evidence of discriminatory intent.").

114:10–117:11, 97:17–100:22, 175:20–177:1. After this admission—which negated discovery responses it served earlier in this litigation denying the existence of these records—Oracle finally acknowledged in a May 22, 2019 "categorical privilege log," that it had been withholding "evaluations of Oracle's compensation systems" created by Oracle's compliance team, as well as communications about them, on the basis of attorney work product and attorney client privilege. Ex. 42.

Oracle agreed as a condition of receiving hundreds of millions of dollars in federal money annually to conduct and document periodic studies of its compensation systems to identify (and then take steps to redress) gender and racial pay disparities. *See supra* Background § A. It agreed to make these records available for inspection and review by OFCCP and, according to Oracle's Answer to the SAC, Oracle *specifically contends that it provided all documents required to OFCCP. Id.* §§ A, C. A federal contractor cannot immunize itself from audit and inspection by OFCCP by assigning performance of essential terms of its federal contracts to its attorneys to perform. Oracle's consent to opening its record of compliance efforts to inspection by OFCCP—the agency charged with ensuring that Oracle lived up to its promise of ensuring that taxpayer money is not used to support discrimination—is rendered a nullity if Oracle may simply refuse to reveal the records it was required to make available regarding any steps taken.

A. Records Federal Contractors Are Required to Make and Maintain As a Condition of their Contracts Cannot Be Privileged.

1. Oracle's Compensation Analyses Are Not Privileged Attorney Work Product

Courts have long recognized that attorneys must be permitted to develop legal theories and sift through available evidence in preparation for trial without undue interference. *Hickman* v. *Taylor,* 329 U.S. 495, 511 (1947); Fed. R. Civ. P. 26(b)(3). Accordingly, the work product doctrine is a qualified privilege designed to protect materials prepared by an attorney acting on behalf of his client in anticipation of litigation. *United States* v. *Nobles,* 422 U.S. 225, 237–38 (1975). As the party invoking the privilege, Oracle bears the threshold burden to prove that the requested materials are (1) documents and tangible things (2) prepared in anticipation of

litigation or trial (3) by or for another party or by or for that parties' representative. *Hickman,* 329 U.S. at 508.

Oracle cannot demonstrate that it prepared the compensation analyses in anticipation of litigation or trial. Courts have repeatedly held that a party cannot use the work product doctrine to withhold documents when the party had a pre-existing regulatory duty to create them. *United States v. Richey*, 632 F.3d 559, 568 (9th Cir. 2011) (the work product doctrine does not apply to appraisal documents created to comply with IRS requirements); *National Union Fire Ins. v. Murray Sheet Metal*, 967 F.2d 980, 984 (4th Cir. 1992) (materials prepared "pursuant to regulatory requirements or for other non-litigation purposes are not documents prepared in anticipation of litigation within the meaning of Rule 26(b)(3)"); *Goosman v. A. Duie Pyle, Inc.*, 320 F.2d 45, 52 (4th Cir. 1963) (reports made pursuant to the Interstate Commerce Committee's regulations are made in the ordinary course of business and are not protected by the work product doctrine).

Indeed, the Advisory Committee notes to Fed. R. Civ. P. 26(b)(3) themselves specifically state that "[m]aterials assembled in the ordinary course of business, *or pursuant to public requirements unrelated to litigation*, or for other nonlitigation purposes are not under the qualified immunity provided by this subdivision." *Id.* Advisory Committee Note (1970 Amendment) (emphasis added). Here, there is no question that Oracle was required by federal regulations to conduct compensation analyses. *See supra* Background § A, Argument § (I). Oracle's compensation analyses clearly were created during the ordinary course of business: without any threat of litigation, Oracle still would have performed these analyses since their ability to continue to secure federal contracts depended upon completion of such "in depth analysis" of their compensation data and practices. 41 C.F.R. § 60-2.17(b)(3).[6]

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[6] It is clear that Oracle conducted these analyses for the purposes of complying with their contractual obligations, and not in anticipation of litigation with OFCCP because—as their "categorical privilege log" shows—they were conducting these analyses as early as September 12, 2013, nearly three and a half years before OFCCP initiated enforcement litigation on January 17, 2017. *See* Ex. 42 (one-page log); *Lewis v. Wells Fargo & Co.*, 266 F.R.D. 433, 440–41 (N.D. Cal. 2010) (concluding FLSA audits were not created in anticipation of litigation because "the audits began at least [a] year before the . . . case was filed"). Moreover, even after OFCCP

Oracle has not even tried to meet its "burden of establishing" this element for "each document" it seeks to withhold. *Hooke v. Foss Mar. Co.*, No. 13-CV-00994-JCS, 2014 WL 1457582, at *1 (N.D. Cal. Apr. 10, 2014) (citations omitted). Oracle's categorical privilege log provides no information about specific documents, but instead attempts to assert a blanket work product privilege for "evaluations of Oracles compensation system related to HQCA employees" and related communications. Ex. 42. Ms. Holman-Harries's repeated bare assertions that she prepared material "at the direction of" counsel, *see, e.g.*, HH Dep. 107:9–109:4, 97:17–100:22, do not support such a finding. Because work product protection "arises only for materials prepared in anticipation of litigation, it is not enough to show merely that the material was prepared at the behest of a lawyer or was provided to a lawyer." *Anderson v. SeaWorld Parks & Entm't, Inc.*, 329 F.R.D. 628, 635 (N.D. Cal. 2019) (citations and internal quotations omitted); *see also In re Grand Jury Subpoena (Mark Torf/Torf Envtl. Mgmnt.),* 357 F.3d 900, 909 (9th Cir. 2004) (distinguishing tasks "that could just as well have been performed by a non-lawyer" from true legal work).

2. Oracle's Compensation Analyses are Not Privileged Attorney-Client Communications

Courts have recognized the need for lawyers to know all the information that relates to the client's reasons for seeking representation to effectively carry out his or her objectives and therefore recognize a privilege for attorney-client communications. *Trammel v. United States,* 445 U.S. 40, 41 (1980). In the Ninth Circuit, the attorney-client privilege applies "(1) [w]here legal advice of any kind is sought (2) from a professional legal adviser in his capacity as such, (3) the communications relating to that purpose, (4) made in confidence (5) by the client, (6) are

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initiated the enforcement action, Oracle continued to have a contractual duty to carry out the compensation analyses. Even where a party anticipates litigation, the document still must have been created "because of" that litigation to be protected. *Richey*, 632 F.3d at 568. Courts, in applying this test, must consider whether the document "would not have been created in substantially similar form but for the prospect of litigation." *Id.* (internal quotations omitted). Oracle has made no showing of how any fear of litigation led them to create the documents differently, so work product protection for these documents even after the litigation commenced is inappropriate. *See Lewis*, 266 F.R.D. at 440–41 ("A generalized fear of litigation does not turn a compliance audit into attorney work product.").

at his instance permanently protected (7) from disclosure by himself or by the legal adviser, (8) unless the protection be waived." *In re: Fischel*, 557 F.2d 209, 211 (9th Cir. 1977). The District of Columbia Circuit gives a more succinct statement of the privilege: "[t]he attorney-client privilege protects confidential communications made between clients and their attorneys when the communications are for the purpose of securing legal advice or services." *In re Lindsey*, 158 F.3d 1263, 1267 (D.C. Cir. 1998).

"[T]he attorney-client privilege is strictly construed." *United States v. Ruehle*, 583 F.3d 600, 609 (9th Cir. 2009). Blanket assertions are "extremely disfavored" and the party claiming the privilege "must identify specific communications and the grounds supporting the privilege as to each piece of evidence over which privilege is asserted." *United States v. Martin*, 278 F.3d 988, 1000 (9th Cir. 2002) (citations omitted).

Most relevant here, the analyses are not protected by privilege because Oracle's primary purpose in completing them was not to seek legal advice—but to comply with their contractual and regulatory requirements. *See United States v. Salyer*, 853 F. Supp. 2d 1014, 1018 (E.D. Cal. 2012) ("[T]he privilege applies only if the *primary* or *predominate* purpose of the attorney-client consultations is to seek legal advice or assistance."); *Fisher v. United States*, 425 U.S. 391, 403 (1976) ("[T]he privilege protects only those disclosures necessary to obtain informed legal advice which might not have been made absent the privilege."). As a condition of securing federal contracts, Oracle explicitly agreed to complete these "in depth" analyses of its compensation practices and to make documentation of this available to OFCCP. It would have done so regardless of whether it had hired counsel at Orrick to review or oversee the process. Oracle cannot simply convert the completion of a fundamental business requirement into secret "legal advice" by delegating the authority over the task to an attorney. *See In re Premera Blue Cross Customer Data Sec. Breach Litig.*, 296 F. Supp. 3d 1230, 1242 (D. Or. 2017) (citing cases); *In re: Fischel*, 557 F.2d at 211 ("The purpose of the privilege is . . . not to permit an attorney to conduct his client's business affairs in secret.").

Second, the "communications" reflected by the compensation analyses are not made "in confidence." Because the compensation analyses are made as required by regulation, Oracle

well knew they would be subject to inspection by the government: indeed, federal regulation requires Oracle to provide documentation of its compliance to OFCCP upon request during a compliance audit. *See supra* § (I); 41 C.F.R. § 60-2.10(c).[7] In an analogous case, the Ninth Circuit held that a corporate officer's communications to outside counsel about a stock options report created by that outside counsel were not privileged because the communications were not made in confidence, since the officer had to have been aware of "the need to truthfully report corporate information to the SEC." *Ruehle*, 583 F.3d at 610-12; *see also U.S. ex rel. Sanders v. Allison Engine Co.*, 196 F.R.D. 310 (S.D. Ohio 2000) (finding no expectation of confidentiality where company was required by contract to make reports at issue available to the prime contractor); *infra* (citing cases in which AAP's have been ordered to be disclosed for this reason).

Third, even if certain communications *about* the compensation analyses with counsel could be legal advice (e.g. how to proceed with the analysis, what had to be considered, what the results meant), the analyses themselves are not privileged because they are "mandatory" business documents, required by regulation. *See supra*; *see also United States v. Eghbal*, No. CV061091JFWFMOX, 2009 WL 10671386, at *5 (C.D. Cal. June 4, 2009) (citing cases). The evidence here shows that at least some of these self-audits were conducted by Ms. Holman-Harries' team and only later provided to Oracle's attorneys at Orrick. HH Dep., 107:9-109:4. That Oracle may have sent material to counsel does not render the underlying material privileged. *See Upjohn Co. v. U.S.*, 449 US 383, 395-96 (1981) ("[a] party cannot conceal a fact merely by revealing it to his lawyer."); *In re: Fischel*, 557 F.2d at 212 ("An attorney's

[7] This requirement cannot have come as a surprise to Oracle or their sophisticated OFCCP counsel, given that when OFCCP implemented the modern disclosure rule, it specifically noted that the reports do not necessarily require the involvement of counsel and therefore "[e]ven when [the contractor] involve[s] legal counsel, it is clear that an enforcement agency must have access to pertinent records in order to carry out its lawful duties." 65 Fed. Reg. 68022, 68040, 2000 WL 1684891 (Nov. 13, 2000).

involvement in, or recommendation of, a transaction does not place a cloak of secrecy around all the incidents of such a transaction.").[8]

For similar reasons, Court have repeatedly required production of self-evaluative analyses and related elements of federal contractors AAPs. *See OFCCP vs. JBS USA Holdings, Inc.*, 2015-OFC-1, at 6–8, 2016 WL 11553368 (OALJ Nov. 25, 2016) (emphasizing that the contractors internal audits were part of "ensuring compliance with regulatory schemes")[9]; *Tharp v. Sivyer Steel Corp.*, 149 F.R.D. 177, 184 (S.D. Iowa 1993) (ordering production of "work force analysis," "job group analysis," "statement of goals," "prior year affirmative action results" and "identification of problem areas and development of action-oriented programs to eliminate problems" from federal contractor's AAPs); *Martin v. Potomac Elec. Power Co.*, No. 86-0603, 1990 WL 158787, at *4 (D.D.C. May 25, 1990) (ordering production of AAP-related documents because, among other reasons, "disclosure would not intrude on any reasonable expectation of confidentiality"); *Capellupo v. FMC Corp.*, No. CIV. 4-85-1239, 1988 WL 41398, at *6 (D. Minn. May 3, 1988) (ordering production of a company's AAP documents that "evaluate its

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[8] As a related matter, Oracle's one-page privilege log shows only members of Oracle's compliance group as custodians of evaluations of Oracle's compensation systems, and individual documents within the "communications" category may well have only involved non-attorney custodians, but it is impossible to determine this from Oracle's log, since it does not individually identify each document. *See* Ex. 42. Oracle has not attempted to explain or show how this subset of documents are privileged. *Cf. Pacamor Bearings, Inc. v. Minebea Co.*, 918 F. Supp. 491, 511 (D.N.H. 1996) (documents "prepared by non-attorneys and addressed to non-attorneys" in general not privileged, even when copies are "routed to counsel"). Moreover, because the log lumps together all senders/receivers and an unknown number of documents, even the second category of "communications" that include Orrick attorneys may still contain communications *solely* between Oracle nonattorneys.

[9] Underlying the decision in *JBS* is the basic rule that the involvement of an attorney "does not automatically render the communication subject to the attorney client privilege." *JBS*, 2015-OFCCP-1. Rather, such communications must "relate to legal advice or strategy sought by the client." *Id.* (citing *In re Grand Jury Proceedings*, 616 F.3d 1172, 1182 (10th Cir. 2010)). Thus, Ms. Holman-Harries' conclusory assertions at her deposition that everything she did was "at the direction of our attorneys" does not support Oracle's assertion of privilege. *See supra* Background § E. The testimony was obviously coached. *See Welch v. Eli Lilly & Co.*, No. 1:06-CV-0641-RLY-JMS, 2009 WL 700199, at *14 (S.D. Ind. Mar. 16, 2009) (rejecting "rehearsed and lawyer-driven" testimony asserting affirmative action analyses were "done at the request of counsel" as support for privilege).

progress under affirmative action plans and discuss the company's affirmative action goals"); *Witten v. A.H. Smith & Co.*, 100 F.R.D. 446, 454 (D. Md. 1984), *aff'd*, 785 F.2d 306 (4th Cir. 1986) (ordering disclosure because "[t]he need for all evidence to ascertain the intent of the parties, particularly in employment discrimination cases where proof of intent is so vital and yet so difficult to obtain, significantly overweighs" other policy concerns); *see also Cloud v. Superior Court,* 58 Cal. Rptr. 2d 365, 370 (Cal. Ct. App. 1996) (rejecting a federal contractor's assertion of lawyer-client privilege over these types of materials because "preparation of the self-critical analyses of affirmative action policies and practices is required by federal law, and the analyses themselves are available for inspection by federal authorities").

Oracle's "in-depth analyses" of compensation, which were required by their contract and OFCCP regulations, cannot be attorney-client privileged and must be produced.

B. Assuming *Arguendo* that Oracle's Compensation Analyses Are Privileged Because Oracle Delegated Performance of a Mandatory Contractual Term to an Attorney to Perform, Oracle Waived Any Possible Privilege

1. Oracle waived the privileges by putting the requested documents at issue in their Answer to the Second Amended Complaint

Even if Oracle's assertions of privilege were not frivolous, Oracle's Answer to OFCCP's SAC unequivocally waives any privileges as to any evaluations Oracle made regarding pay disparities for female, Black or Asian employees at HQCA. As the Court well knows, OFCCP alleges in its SAC both that Oracle engaged in intentional compensation discrimination against women, Blacks and Asians at HQCA but also that Oracle unlawfully refused to provide documentation of compensation analyses and actions taken in response to pay disparities identified, as required by 41 C.F.R. §§ 60-2.17(b)-(d). SAC ¶¶ 44–45, 47.

Oracle waived any possible privilege by putting "at issue" the question of whether it satisfied the contractual and regulatory requirements regarding "in-depth" analyses of its compensation system and corrective actions. In response to OFCCP's SAC, Oracle denies it violated the core disclosure requirements of 41 C.F.R. § 60-2.17(c) that require Oracle to make documentation available to OFCCP of its "in-depth" analyses and an "auditing system." Answer to SAC ¶¶44–45, 47. Oracle then, as if daring the court to find the privileges waived,

simultaneously asserts attorney-client and work product privileges ***as an affirmative defense***, and claims in response to RFPs that the only complex analyses or audits that were carried out were done either by counsel or at counsel's direction and therefore cannot be provided. *Id.* at p. 11 (25th Aff. Def.). By withholding any allegedly in-depth analyses, corrective actions, and the related communications, Oracle makes it impossible for OFCCP to gain "access to the very information that [OFCCP] must refute" in order to address Oracle's defenses. *Chevron Corp. v. Pennzoil Co.*, 974 F.2d 1156, 1162–63 (9th Cir. 1992). The result is waiver. *Guzzeta v. American K-9 Detection Servs. et al.*, 2016-LDA-00680, slip op. at 13 (OALJ Nov. 17, 2017).

2. Oracle unquestionably waived any privileges by failing to timely assert them

Oracle also waived any privilege objections due to its refusal to provide basic information about the identity ***or even existence*** of responsive documents it was withholding on the grounds of privilege for the last 2 years. The privilege logs Oracle has provided have been untimely and utterly inadequate to evaluate the privileges asserted. [10] *See Burlington N. & Santa Fe Ry. Co. v. U.S. Dist. Court for Dist. of Mont.*, 408 F.3d 1142, 1149 (9th Cir. 2005). Indeed, in the Ninth Circuit, this sort of "gross untimeliness" by a sophisticated party strongly weighs in favor of waiver. *Bullion Monarch Mining, Inc. v. Newmont USA Ltd.*, 271 F.R.D. 643, 649 (D. Nev. 2010) (finding waiver under the factors articulated in *Burlington Northern*, 408 F.3d at 1149).

CONCLUSION

For the foregoing reasons, OFCCP respectfully requests that the Court overrule Oracle's outstanding objections and compel them to produce all documents responsive to OFCCP's RFPs 71, 72, 80, 93, 95-98, 103-104, 148, 150-155, 158-159, 174.

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[10] In addition to failing to list specific documents, dates, authors, or custodians at all, the "categorical privilege log" does not identify analyses conducted solely by its attorneys, even though Oracle has stated that Orrick also conducted compensation analyses. Ex. 42 (log); Bremer Decl. ¶30 & Ex. 28. And the privilege log also does not identify documentation of corrective actions required by the regulations, so it is still unclear both whether any corrective action was ever undertaken and whether any records of such actions still exist. To the extent these records do exist, any privilege has also been waived.

OFCCP also requests an order recalling Ms. Holman-Harries to answer questions about the documents Oracle produces (and does not produce) as a result of the Court's order, and the topics on which she refused to answer based on such meritless assertions of privilege.

Respectfully submitted,

Date: June 19, 2019

KATE S. O'SCANNLAIN
Solicitor of Labor

JANET M. HEROLD
Regional Solicitor

JEREMIAH MILLER
Counsel for Civil Rights

/s/ Laura Bremer
LAURA C. BREMER
Senior Trial Attorney

UNITED STATES DEPARTMENT OF LABOR
Office of the Solicitor
90 7th Street, Suite 3-700
San Francisco, CA 94103
Telephone: (415) 625-7757
Fax: (415) 625-7772
E-Mail: Bremer.Laura@dol.gov

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Ex. 2	Excerpts from the Deposition of Shauna Holman-Harries (HH Dep.), taken on May 8, 2019.
Ex. 3	Affirmative Action Plan for Oracle America, January 2014 (HH Dep. Ex. 21).
Ex. 4	Copy of OFCCP Regulations at 41 C.F.R. § 60-1.4 (Equal Opportunity Clause) (HH Dep. Ex. 18).
Ex. 5	OFCCP Scheduling Letter to Oracle, dated September 24, 2014.
Ex. 6	November 20, 2014 OFCCP Email, attaching a request for self-audits/pay equity studies (HH Dep. Ex. 22).
Ex. 7	March 31, 2015 Letter from Gary Siniscalco to Brian Mikel.
Ex. 8	April 27, 2015 OFCCP Request for internal pay equity analyses (HH Dep. Ex. 30).
Ex. 9	June 2, 2015 Email from Shauna Holman-Harries to OFCCP (HH Dep. Ex. 31).
Ex. 10	August 26, 2015 Email from OFCCP to Shauna Holman-Harries (HH Dep. 39).
Ex. 11	October 29, 2015 Email from Shauna Holman-Harries to OFCCP (HH Dep. Ex. 38).
Ex. 12	Final Lisa Gordon interview notes (HH Dep. Ex. 32).
Ex. 13	Lisa Gordon interview notes with redlines (HH Dep. Ex. 33).

Ex. 14	November 2, 2015 OFCCP Letter listing prior requests for internal pay equity analyses (HH Dep. Ex. 35).
Ex. 15	April 20, 2017 Declaration of Shauna Holman-Harries (HH Dep. Ex. 19), including as Exhibit E a copy of the March 11, 2016 Notice of Violation in this matter.
Ex. 16	OFCCP's Second Set of RFPs, dated February 21, 2017.
Ex. 17	Oracle's Amended Responses to OFCCP's Second Set of RFPs.
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Ex. 42	May 22, 2019 Email from Oracle to OFCCP sending "Categorical Privilege Log."

Ex. 43 October 11, 2017 Letter from Erin Connell to OFCCP.

Ex. 44 May 24, 2019 Letter from Kathryn Mantoan to Laura Bremer.

Ex. 45 May 31, 2019 Letter from Kathryn Mantoan to Laura Bremer.

Ex. 46 February 26, 2015 Email from OFCCP to Shauna Holman-Harries (HH Dep. Ex. 29).

Ex. 47 Copy of OFCCP regulations at 41 C.F.R. § 60-2.17 (HH Dep. Ex. 34).

DECLARATION OF NORMAN GARCIA

Ex. 48 Excerpts from the June 14, 2019 Deposition of Juan Loiaza, Oracle's Executive Vice President for Product Development.

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS, UNITED STATES DEPARTMENT OF LABOR, Plaintiff, v. **ORACLE AMERICA, INC.** Defendant.	Case No. 2017-OFC-00006

RECEIVED
JUN 19 2019
Office of Administrative Law Judges

DECLARATION OF LAURA C. BREMER IN SUPPORT OF OFCCP'S MOTION TO COMPEL ORACLE'S COMPENSATION ANALYSES

I, Laura C. Bremer, state and declare as follows:

1. I am a Senior Trial Attorney for the U.S. Department of Labor, Office of the Solicitor, and counsel of record for Plaintiff in this action. I submit this declaration in support of OFCCP's Motion to Compel Oracle's Compensation Analyses. I have personal knowledge of the matter set forth in this declaration, and I could and would competently testify thereto if called upon to do so.

Shauna Holman-Harries' Role Overseeing Oracle's OFCCP Compliance and AAP Implementation

2. A true and correct copy of Shauna Holman-Harries' declaration filed in *Jewett v. Oracle Corp.*, Case No. 17-CIV-02669 is attached hereto at **Exhibit 1**, and was marked as Exhibit 17 to the Deposition of Ms. Holman-Harries on May 8, 2019. In paragraphs 2 and 3 Ms. Holman-Harries declared that she has held the position Senior Director of Diversity Compliance

for Oracle since 2011, and that her responsibilities include overseeing Oracle's OFFCP compliance efforts, as well as overseeing Oracle's OFCCP audits.

3. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts from the Deposition of Ms. Holman-Harries, taken on May 8, 2019.

4. A true and correct copy of Oracle's 2014 AAP was marked as Exhibit 21 to the Holman-Harries Deposition, and is attached hereto as **Exhibit 3**. Page 5 of Oracle's Affirmative Action Plan (AAP) contains a statement signed by Oracle's President, Safra Catz, appointing Ms. Holman-Harries (as its Director of Diversity Compliance) to "monitor[] all Equal Employment Opportunity activities and report[] the effectiveness of this AAP plan, as required by Federal, State and Local agencies." Page 11 of the AAP states that Ms. Holman-Harries is "responsible for implementing an effective auditing and reporting system," which "includes analyzing the results of employment actions on a regular basis to determine their impact on Oracle's AA/EEO objectives," including "performance in . . . compensation."

5. Attached hereto as **Exhibit 4** is a true and correct copy of OFCCP regulations at 41 C.F.R. § 60-1.4 (Equal Opportunity Clause), which were marked as Exhibit 18 to the Deposition of Shauna Holman-Harries.

OFCCP Requests for Pay Equity Analyses During the Compliance Audit

6. A true and correct copy of the Scheduling Letter OFCCP issued on or around September 24, 2014 to initiate a compliance review at Oracle headquarters in Redwood, California, which Oracle produced in this action, is attached hereto as **Exhibit 5**.

7. A true and correct copy of OFCCP's November 20, 2014 email, attaching a request for information from Oracle, including "all self-audits/pay equity studies and salary surveys" that Oracle produced in this action (and was marked as Exhibit 22 to the deposition of Shauna Holman-Harries), is attached hereto as **Exhibit 6.**

8. A true and correct copy of Gary Siniscalco's March 31, 2015 letter to Brian Mikel, which stated that he represented "Oracle in connection with its Affirmative Action and Equal Employment Opportunity Compliance practices," is attached hereto as **Exhibit 7.**

9. A true and correct copy of OFCCP's April 27, 2015 follow-up request to Oracle to provide "Dates of any internal pay equity analysis conducted during the past three years, as required under 60-2.17. For each analysis, include: Dataset used for that analysis [and] Actions taken, if any, as a result of the analysis," which was marked as Exhibit 30 to the deposition of Ms. Holman-Harries, is attached hereto as **Exhibit 8**.

10. A true and correct copy of Ms. Holman-Harries' June 2, 2015 email response to OFCCP's April 27th request "regarding internal pay equity analysis," which Oracle produced in this action and was marked as exhibit 31 to the deposition of Ms. Holman-Harries, is attached hereto as **Exhibit 9.** Ms. Holman-Harries' email states that "[w]ith regard to pay audits to assess legal compliance with Oracle's non-discrimination obligations and to further ensure Oracle's compensation policies and practices are carried out, those are conducted by our outside EEO compliance counsel at Orrick." And, with regard to OFCCP's request for "internal pay equity analysis," Ms. Holman-Harries referred OFCCP to review "the lengthy interview conducted with Lisa Gordon."

11. A true and correct copy of an email from OFCCP to Ms. Holman-Harries dated August 26, 2015 attaching a letter dated July 30, 2015 to Oracle's counsel, making another request for Oracle's pay equity analysis "as required under 41 C.F.R. §60-2.17" (including the date of the analysis, dataset used for the analysis, and actions, taken, if any, as a result of the analysis), was marked as exhibit 39 to the deposition of Ms. Holman-Harries, and is attached hereto as **Exhibit 10.**

12. A true and correct copy of the October 29, 2015 email from Ms. Holman-Harries to OFCCP, which was attached to the Holman-Harries deposition as Exhibit 38, is attached hereto as **Exhibit 11**. In the email, Ms. Holman-Harries responded to OFCCP requests for

"internal pay equity analysis conducted . . . under 41 C.F.R. §60-2.17," stating "our compensation director, Lisa Gordon, talked about the process followed to evaluate compensation at Oracle. We sent the final version of the notes of that interview to" OFCCP on February 10, 2015.

13. A true and correct copy of the final interview notes signed by Lisa Gordon was marked as Exhibit 32 to the depositions of Ms. Holman-Harries and is attached hereto as **Exhibit 12.** A true and correct copy of the interview notes of Lisa Gordon's interview, with Ms. Gordon's redlined changes, was marked as Exhibit 33 to the Holman-Harries deposition and is attached hereto as **Exhibit 13.** Pages 13-14 of the final notes of the Lisa Gordon interview, which Ms. Holman-Harries referenced in Exhibits 9 and 11 (described above), note that Ms. Holman Harries responded to the question "Does Oracle conduct self-audits of its compensation? If so, please provide written reports of the self-audits" – by stating, "Compliance does under attorney-client privilege," and responded to the question "Does Oracle conduct pay equity studies? If so, please provide copies of the pay equity studies," by answering, "compliance does equity studies."

14. A true and correct copy of OFCCP's November 2, 2015 letter to Ms. Holman-Harries, produced by Oracle in this action and marked as Exhibit 35 to Ms. Holman-Harries' deposition, is attached hereto as **Exhibit 14**. The letter states that it is "the Agency's final request for documents" in connection with its audit of Oracle at Redwood Shores, requests Oracle's internal pay equity analysis during the past 3 years, and notes the analyses were "previously requested on 11/19/2014, 01/22/2015, 01/28/2015, 04/27/2015, 5/11/2015, and 5/28/2015."

15. A true and correct copy of a declaration of Ms. Holman-Harries filed in this action and the March 11, 2016 Notice of Violation ("NOV") OFCCP issued to Oracle after the compliance review of Oracle's Redwood Shores headquarters that was attached thereto (Exhibit 19 to the Holman-Harries deposition), is attached hereto as **Exhibit 15.** The NOV cited Oracle

for Affirmative Action Violations, including failure to conduct the in-depth analyses required by 41 C.F.R. § 60-2.17 regarding its compensation systems. Nevertheless, Oracle did not supply its compensation analyses to OFCCP following the NOV issuance.

Oracle's Failure to Produce Compensation Analyses During the Enforcement Action

16. Soon after filling this action, on February 21, 2017, OFCCP propounded requests for production of documents ("RFPs") seeking the pay equity analyses Oracle had refused to produce during the compliance review. A true and correct copy of OFCCP's Second Set of Requests for Production of Documents is attached hereto as **Exhibit 16**, which includes RFP Nos. 71, 72, and 80.[1]

17. A true and correct copy of Oracle's Amended Responses to OFCCP's Second Set of Requests for Production of Documents is attached hereto as **Exhibit 17**. In response to RFP Nos. 71, 72, and 80, Oracle objected without indicating that no responsive documents existed, although it responded to other RFPs (79, 87 and 88) by stating that no documents existed.

18. A true and correct copy of Norman Garcia's April 11, 2017 letter to Oracle requesting that it identify whether it will be producing documents in response to 52 of OFCCP's RFPs (including RFP Nos. 71, 72, and 80), is attached hereto as **Exhibit 18.**

19. A true and correct copy of Oracle's April 14, 2017 response to OFCCP (omitting the exhibits to the letter), is attached hereto as **Exhibit 19**, in which Oracle stated that "based on its objections, Oracle does not intend to produce documents in response to" requests, including RFPs 71, 72, and 80.

---

[1] RFP's 71, 72, and 80 are as follows:

71. YOUR internal pay equity analyses conducted pursuant to 41 C.F.R. § 60-2.17 for the RELEVANT TIME PERIOD, including the date of analysis and dataset(s) used for the analysis.

72. All DOCUMENTS RELATING TO actions taken during the RELEVANT TIME PERIOD in response to YOUR internal pay equity analyses conducted pursuant to 41 C.F.R. § 60-2.17.

80. In-depth analyses of the total employment process, as required in 41 C.F.R. § 60-2.17(b), for positions in the PT1 job group or Product Development, Information Technology, and/or Support lines of business for the RELEVANT TIME PERIOD.

20. As described further in Declaration of Norman Garcia in support of OFCCP's Motion to Compel (filed Aug. 18, 2017), attorneys for OFCCP and Oracle met and conferred for months regarding OFCCP's RFPs, including RFP Nos. 71, 72, and 80. Attached as **Exhibit 20** is a true and correct letter from Erin Connell to Marc Pilotin dated August 3, 2017 in which Oracle states that the parties were unable to reach agreement regarding RFP No. 80.

21. As a compromise to RFP No. 70, requesting Oracle to produce all of its contracts with the federal government, Oracle stipulated that "it has been a covered federal contractor for over 20 years and the total amount of its government contracts has exceeded $100 million each year since 2013." A true and correct copy of the August 7, 2017 letter from Erin Connell to Marc Pilotin confirming this stipulation (on page 2) is attached hereto as **Exhibit 21**.

22. I attended a telephonic conference between counsel for the parties and Judge Larsen on August 14, 2017 to discuss the parties' discovery disputes. During the conference, Judge Larson indicated he would overrule Oracle's objections to RFPs 71, 72, and 80.

23. A true and correct copy of Oracle's August 16, 2017 letter to OFCCP is attached hereto as **Exhibit 22**, which stated that Oracle amended its responses and objections to RFPs Nos. 71 and 72 "in light of the ALJ's comments during the telephonic conference." In the letter, Oracle changed its position from objecting to the production of documents, to stating that "notwithstanding Oracle's objections, no responsive documents exist." In addition, Oracle agreed to produce "nonprivileged" documents responsive to OFCCP's RFPs No. 80.

24. After Oracle claimed it had no documents responsive to RFP Nos. 71 and 72, on September 1, 2017, OFCCP served OFCCP's Third Set of Requests for Production of Documents, a true and correct copy of which is attached hereto as **Exhibit 23**, using a variety of terms to describe the documents sought, so that Oracle could not narrowly interpret the requests to avoid production. (*See* Nos. 93, 95-98, 103, 104).

25. Oracle did not produce compensation analyses or other responsive documents regarding its compensation analyses after Judge Larsen overruled Oracle's "boilerplate"

objections to RFP Nos. 71, 72, and 80 in a September 11, 2017 Order, noting on pages 5 and 7 that Oracle "does not tell Plaintiff or the court . . . what privileged documents it reaches," and ordering Oracle to produce responsive documents.

26. A true and correct copy of Oracle's Responses and Objections to OFCCP's Third Set of Requests for Production of Documents, received September 26, 2017, is attached hereto as **Exhibit 24**.

27. After the stay in this case was lifted, OFCCP served OFCCP's Fifth Set of Requests for Production of Documents on January 30, 2019, a true and correct copy of which is attached hereto as **Exhibit 25.** Using a variety of terms, RFP Nos. 148, 150-155, 158, 159, and 174 requested Oracle's analyses of its compensation systems, action-oriented plans to correct disparities, and Oracle's reporting and auditing of its AAP regarding compensation. Several of the RFPs in OFCCP's Fifth Set of RFPs are the same as RFPs served in OFCCP's Third Set of RFPs: RFP 93 is the same as RFP 148, RFP 97 is the same as RFP 152, and RFP 103 is the same as RFP 158.

28. A true and correct copy of Oracle's responses to OFCCP's Fifth Set of Requests for Production of Documents is attached as **Exhibit 26**, and includes RFPs at issue here, RFP Nos. 148, 150-155, 158, 159, 174.

29. A true and correct copy of OFCCP's March 6, 2019 letter to Oracle, which recounts the history of the meet and confer and Oracle's responses to RFP Nos. 71 and 72 on pages 16-18, is attached hereto as **Exhibit 27**.

30. A true and correct copy of John Giansello's March 14, 2019 letter to Norman Garcia is attached hereto as **Exhibit 28**. On page 6 of the letter, Mr. Giansello characterized RFP Nos. 71 and 72 as "specifically tethered to 41 C.F.R. § 60-2.17," stated that "within the terms of those Requests as stated, Oracle does not have any responsive documents." Further, the letter states "that Oracle's pay analyses 'to assess legal compliance' were conducted by Mr. Siniscalco, who was and is outside counsel to Oracle."

31. A true and correct copy of John Giansello's March 18, 2019 letter to Norman Garcia, in which he stated that "as we read the requests [Nos. 71 and 72], focusing on the requirements of the specific CFR sections on which they depend, Oracle has no responsive documents," is attached hereto as **Exhibit 29**.

32. A true and correct copy of Norman Garcia's March 21, 2019 letter to John Giansello, in which OFCCP noted that Oracle had changed its position as to whether documents responsive to RFP Nos. 71 and 72 existed, is attached hereto as **Exhibit 30**.

33. A true and correct copy of John Giansello's May 21, 2019 letter to Charles Song, in which Oracle claims on page 5 that RFP No. 80 "deals with selection procedures, goals, etc., which are no longer at issue in this case," and "we do not intend to produce any further documents in response to RFP No. 80," is attached hereto as **Exhibit 31.**

34. A true and correct copy of Charles Song's May 15, 2019 letter to John Giansello, objecting to Oracle's unilateral declaration that it will not produce documents responsive to RFP No. 80 (the in-depth analyses of the total employment process, as required in 41 C.F.R. § 60-2.17(b)) and similar requests on the ground that the RFPs "are only relevant to the settled hiring claims," is attached hereto as **Exhibit 32**.

35. A true and correct copy of Charles Song's May 23, 2019 letter to John Giansello, which states the RFP 80 "is clearly not relevant to only the hiring claims as it requests documents regarding the 'total employment process' as required in 41 C.F.R. § 60-2.17(b)," is attached hereto as **Exhibit 33.**

36. A true and correct copy of Charles Song's March 22, 2019 letter to John Giansello and Erin Connell, explaining the reasons Oracle's boilerplate objections to the 5th Set of RFPs (including RFP Nos. 148, 150-155, 158, 159, and 174) are waived, and explaining in detail the reasons Oracle's additional objections to the RFPs are not valid, is attached hereto as **Exhibit 34**.

37. A true and correct copy of Jessica Flores' April 10, 2019 letter to John Giansello and Jacob Heath memorializing an April 8, 2019 meet and confer regarding Oracle's objections and responses to OFCCP's fifth set of RFPs (Nos. 145, 147-165, 169-174, 176, and 180-183), is attached hereto as **Exhibit 35**. The letter states that Oracle "refused to confirm whether responsive documents exist (*see, e.g.*, RFPs 150-159 and 174). On one hand, Oracle claimed that no responsive documents existed based on its understanding of OFCCP's requests and related regulations. When pressed further, however, Oracle then claimed that documents might exist, but that they are protected by the attorney-client privilege or work product doctrine, despite the fact that Oracle failed to list such documents on its privilege log." The letter also memorialized the parties' discussions regarding each specific RFP, including 148, 150-155, 158-159, at issue in this motion.

38. A true and correct copy of John Giansello's letter to Chris Santos dated April 12, 2019 in response to OFCCP's April 10, 2019 letter is attached as **Exhibit 36.** On page 2, the letter states, "Oracle takes exception to your statement that 'Oracle improperly refused to confirm whether responsive documents exist." With respect to RFP Nos. 150-157, on page 3 Oracle stated "to the extent OFCCP is asking about pay equity and/or statistical analyses of compensation data generally, such documents, ***to the extent they exist***, were not done to comply with OFCCP regulations, are privileged, and will be reflected in our privilege log to be updated. Therefore based on Oracle's understanding and interpretation of the regulations upon which these requests are contingent, there are no responsive, non-privileged documents."

Oracle's Privilege Logs

39. A true and correct copy of a letter dated May 24, 2017 from JR Riddell to Norman Garcia which stated is attached hereto as **Exhibit 37.** The letter stated, "As we have confirmed on multiple occasions, we intend to produce a privilege log, and never indicated we would not be producing one. We are working on one now, intend to produce it, and will do so no later than June 12."

40. After Judge Larsen ordered Oracle to produce a privilege log "to the extent Oracle withholds any documents on the basis of privilege" in an Order dated September 11, 2017 (p. 17), Oracle produced a one-page privilege log for its 8th production documents on September 14, 2017, which identified six documents (emails involving its in-house counsel). On October 26, 2017, it produced an email enclosing a privilege log, which represented that it "reflects documents withheld in connection with Oracle's productions to date," a true and correct copy of which is attached hereto as **Exhibit 38**. The privilege log did not identify any analyses of Oracle's compensation systems or related documents, or any internal documents it claimed were prepared at the direction of counsel. The log listed "attachment(s)" sent to counsel without providing any identifying information about the attachments.

41. A true and correct copy of Norman Garcia's March 15, 2019 letter to Erin Connell, describing deficiencies of Oracle's log, including that "its document descriptions are insufficient to readily determine if a document has been appropriately designated as confidential" and that the log "fails to contain all the required information," is attached hereto as **Exhibit 39**.

42. A true and correct copy of Norman Garcia's March 25, 2019 letter to John Giansello, confirming the parties meet and confer about Oracle's privilege log on page 3, including memorializing a telephonic meet and confer regarding Oracle's privilege log and requesting that each "privileged attachment" for which Oracle claimed privilege have a separate row that provides the basis for the privilege asserted, is attached hereto as **Exhibit 40**.

43. A true and correct copy of John Giansello's March 29, 2019 letter to Norman Garcia, responding to Exhibit 35 and contending on pages 2-3 that "the descriptions already provided [in the privilege log] give OFCCP more than sufficient detail to understand the basis for the asserted privilege," is attached hereto as **Exhibit 41**.

44. After Ms. Holman-Harries testified during her deposition on May 8, 2019 that her compliance group conducted compensation analyses (*see* Ex. 2 at 107:9-109:4, 114:10-116:17, 117:5-11, 97:17-100:22, 175:20-177:1), and sent them to counsel (*see* Ex. 2 at 128:7-24, 98:17-

99:22), on May 22, 2019 Oracle served "Oracle's Categorical Privilege Log," for the first time identifying two categories of documents -- "evaluations of Oracles compensation system related to HQCA employees" and "[c]ommunications with or at the direction of counsel regarding evaluations of Oracles compensation system related to HQCA employees" -- being withheld as Attorney-Client and Attorney Work Product Privileged. A true and correct copy of Oracle's May 22, 2019 email and the attached "Oracle's Categorical Privilege Log" is attached hereto as **Exhibit 42.** On the Categorical Privilege Log, individual documents are not identified and all "Sender(s)/Recipient(s)/Copyee(s)/Custodians" for each category of document are lumped together.

Managers Did Not Analyze Oracle's Compensation Systems

45. A true and correct copy of a letter dated October 11, 2017 from Erin Connell to OFCCP, describing documents produced, is attached hereto as **Exhibit 43.** The letter states that "In today's 'database' production, Oracle is producing over 75 data export files containing more than 1,000 data fields, and tens of thousands of accompanying documents."

46. A true and correct copy of a letter dated May 24, 2019 from Kathryn Mantoan to me, stating that Oracle was producing 61 data files, is attached hereto as **Exhibit 44.**

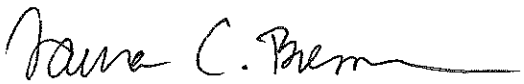
47. A true and correct copy of a letter dated May 31, 2019 from Kathryn Mantoan to me, stating that Oracle was producing 1,454 data files, is attached hereto as **Exhibit 45.**

48. A true and correct copy of a February 26, 2015 email from OFCCP to Ms. Holman Harries attaching an Oracle PowerPoint slide deck called Global Compensation Training, was marked as Exhibit 29 to the Holman-Harries Deposition, and is attached hereto as **Exhibit 46.** On page 407-11, the PowerPoint advised managers, "Internal equity is considering how much you pay your employees relative to one another," and "When you are making pay decisions consider internal equity and be as fair as possible. Differences need to be based on fair, justifiable and non-discriminatory criteria." The PowerPoint provided no specific guidance as to how to do this.

49. Attached hereto as **Exhibit 47** is a true and correct copy of OFCCP regulations at 41 C.F.R. § 60-2.17, which were marked as Exhibit 34 to the Deposition of Shauna Holman-Harries.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 19, 2019 in San Francisco, California.



LAURA C. BREMER

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS, UNITED STATES DEPARTMENT OF LABOR,	:	Case No. 2017-OFC-00006
Plaintiff,	:	
v.	:	
ORACLE AMERICA, INC.	:	
Defendant.	:	

DECLARATION OF NORMAN E. GARCIA IN SUPPORT OF OFCCP'S MOTION TO COMPEL ORACLE'S COMPENSATION ANALYSES

I, Norman E. Garcia, state and declare as follows:

1. I am a Senior Trial Attorney for the U.S. Department of Labor, Office of the Solicitor, and one of the counsels of record for Plaintiff in this action. I submit this declaration in support of OFCCP's Motion for Protective Order and Alternative Motion for Leave to Amend the Complaint. I have personal knowledge of the matter set forth in this declaration, and I could and would competently testify thereto if called upon to do so.

2. On June 14, 2019, I took the deposition of Juan Loaiza who is an Executive Vice President in Oracle's Product Development organization. Mr. Loaiza testified that there are 1,100 Oracle employees in his organization

3. During that deposition, Mr. Loaiza also testified that none of the managers in his organization, during focal reviews (Oracle's name for its wage increase process), reviewed

anything to ensure that Oracle was being legally compliant. *See* transcript at Exh. 48, p. 150:13-151:2.[1]

4. During his deposition, Mr. Loaiza admitted that the compensation work bench program that Oracle uses during its focal reviews does not have gender or race information and that people would be more likely to discriminate if it did. *See* transcript at Exh. 48, p. 144:16-145:9; 161:13-16.

5. Mr. Loaiza also testified that he did not know whether Oracle was required to conduct any analysis of its compensation systems under the Department of Labor's regulations. *See* transcript at Exh. 48, p. 184:21-23 for question and p. 186:11-16. The intervening information between question and answer was communications by counsel.

6. Mr. Loaiza likewise testified that the compensation training Oracle provided to its managers did not include any specific actions related to gender or race discrimination that managers were supposed to do during its focal review other than to not to discriminate against workers. *See* transcript at Exh. 48, p. 145:23-146:19.

7. Mr. Loaiza testified further still that he does not consider or look at an employee's gender or race during a focal review. *See* transcript at Exh. 48, p. 113:8-20.

I declare under the penalty of perjury that the foregoing is true and correct and that this declaration was executed in San Francisco, California on June 19, 2019.

NORMAN E. GARCIA
Senior Trial Attorney

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[1] The transcript reference is to a rough draft. While the transcript is not certified yet, I am making this declaration of what Mr. Loaiza testified at this deposition and referencing the rough draft at Ex. 48 as support. Because it is a rough draft, the page numbers may be anywhere on the sheet of paper and are at the top of the page before line number one. To assist the reader, the page and line numbers cited above are highlighted in yellow.

EXHIBIT 1

EXHIBIT 1

GARY R. SINISCALCO (STATE BAR NO. 64770)
grsiniscalco@orrick.com
ERIN M. CONNELL (STATE BAR NO. 223355)
econnell@orrick.com
KATHRYN G. MANTOAN (STATE BAR NO. 239649)
kmantoan@orrick.com
ORRICK, HERRINGTON & SUTCLIFFE LLP
The Orrick Building
405 Howard Street
San Francisco, CA 94105-2669
Telephone: +1 415 773 5700
Facsimile: +1 415 773 5759

JESSICA R. PERRY (STATE BAR NO. 209321)
jperry@orrick.com
ORRICK, HERRING & SUTCLIFFE LLP
1000 Marsh Road
Menlo Park, CA 94025
Telephone: +1 650 614 7400
Facsimile: +1 650 614 7401

Attorneys for Defendant
ORACLE AMERICA, INC.

FILED
BY COUNTY
JAN 9 2019
Clerk of the Superior Court
By M. Au
DEPUTY CLERK

17-CIV-02669
DECL
Declaration
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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN MATEO

RONG JEWETT, SOPHY WANG, XIAN MURRAY, ELIZABETH SUE PETERSEN, MARILYN CLARK AND MANJARI KANT, individually and on behalf of all others similarly situated, Plaintiffs, v. ORACLE CORPORATION, INC. Defendant.	Case No. 17CIV02669 **DECLARATION OF SHAUNA HOLMAN-HARRIES** Assigned for all purposes to the Honorable V. Raymond Swope Department 23 Trial Date: Not Set Date Action Filed: June 16, 2017 Hearing Date: May 31, 2019

Exhibit No. 17
Witness name:
S. Holman-Harries
Date: 05/08/19
Robin L B Osterode CSR RPR

summary for Ms. Gordon's review and signature. I did not personally review this summary for accuracy, but understand that it was sent to Ms. Gordon and she signed the interview summary on or around February 11, 2015. Attached hereto as **Exhibit A** is a true and correct copy of the OFCCP's interview summary.

5. I do not have any independent recollection of the statements made by Ms. Gordon during the OFCCP interview, and thus cannot verify the accuracy of OFCCP's interview summary or whether that summary correctly and fairly reflect the information that Ms. Gordon relayed or the statements she made.

6. Although I cannot confirm the accuracy of the statements attributed to Ms. Gordon in OFCCP's interview summary, I recall that on several occasions during the interview, I provided responses to certain questions posed to Ms. Gordon. After reviewing the OFCCP's interview summary, I can confirm that, to the best of my knowledge and recollection, the comments attributed to me in the notes reflect a fairly accurate paraphrase of the statements I made to the OFCCP representatives, but I do not believe they quote my statements verbatim.

7. On or about April 27, 2015, I received a letter from Hea Jung Atkins, the OFCCP District Director for the San Francisco Bay Area. Attached hereto as **Exhibit B** is a true and correct copy of Ms. Atkins' letter addressed to me, dated April 27, 2015. On June 2, 2015, I responded to Ms. Atkins' letter via email. Attached hereto as **Exhibit C** is a true and correct copy of the email correspondence I sent to Ms. Atkins, dated June 2, 2015.

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EXHIBIT A

I came to Oracle through Oracle's Sun Microsystem acquisition. I was an individual contributor for 1 year when I first came over. I went to being a manager and now I am the Compensation Director. I've been in compensation exclusively for 15 years.

In my role, I wear 2 hats: a client-facing hat for product development organization. From a corporate organization standpoint: I manage 2 compensation programs: corporate bonus program and non-sales salary increase program. Merit increases for non-sales folks. I take care of anyone other than those in sales and pre-sales jobs.

2. Who is on your compensation team that might also report to Phil Jenish?

I have 2 folks that report to me.(?) I have a counterpart that handles compensation for sales and consulting. She manages the stock program and sales salary increase program. She has 2 folks that report to her(?) Her name is Kate Waggoner and she reports to Phil just like I do.

3. What role do you have in making compensation decisions at Oracle?

I support HR managers so generally line managers are responsible for most compensation decision but if they have questions, they go to HR managers and the HR managers will come to the compensation team if they have questions. I help the HR managers who support the product development organizations. HR managers come to me, or occassionally line managers will come to me directly.

4. We have reviewed the policy documents submitted. Are personnel and compensation policies and practices uniform throughout all of Oracle's various facilities and locations?

Nothing has changed from the PowerPoint training presentation since 2011. We haven't updated the presentation so it is probably fine.

We have very general high level guidelines. Each organization has a lot of autonomy about how to interpret and implement the guidelines. Current market rates may be more important for one group over another group. There are areas where the general list of factors would be the same. What would differ in the different areas is what is happening with the situation and actual job or what is happening with that organization.

down. Budgets could look different based on their lines of business. Executive level determines budget differences for the various lines of businesses.

Neil Bourque is developing a database dictionary for the compensation database for the column headers and will submit that. Used to have links data through 4-5 different sources but decided not to use that anymore in the submissions to OFCCP.

Neil Bourque: Data is spread across many different reports.

Database Column Headers:

Salary Grades: Most jobs have a salary grade. Grade is determined by market pricing. We review salary survey data and look at what the market is paying. We primarily use the Radford Global Tech survey.

HRIS - we use an old Oracle HRIS system - internal system that has been around for years, not PeopleSoft. We call it HRIS or E-business suites. It's a very old system. Managers would be in charge of managing salary increases. HR folks review transactions. If doing things during programs, it is done through the compensation workbench, a module of HRIS system. Only line managers/HR can see the salary and grade information in HRIS. Grades are assigned to jobs by corporate comp.

Salary Ranges: Look at the job and see what the market price is and we assign a grade. There is a salary range for a grade. We annually review market data and ask, "Do we need to change our entire structure such as having all grades move up a certain percentage or are only certain job titles changing?" We can move the whole structure or just some job titles. Maybe need to change grade ranges for the job title.

For salary surveys, we look at our competitors: HP, IBM, Salesforce, Workday. There is a standard list that we compare ourselves to. They all participate in the Radford survey.

The Radford Survey has generic jobs and we go through a matching process for our jobs and find the best match between our jobs with the survey jobs. The survey gives various data points and we typically use the 50 percentile of the market for each job.

Salary: Stated annual salary that a person has. It is base salary. Neil will provide a column for total compensation.

Neil Bourque: Salary on database is pulled from several different sources. The salary doesn't add up from the columns that were presented on the spreadsheet. Had this same issue come up at a different audit. Neil is looking into it and will provide a total compensation column.

Work Unit Flow: Work Unit Flows are departments to help OFCCP identify different groups. I don't use those in anything I look at.

Pleasanton used to be PeopleSoft. Taleo, the company that did applicant tracking was across the street. Oracle purchased that and then merged the two.

8. How is starting salary determined?

Several factors come into play and varies based on position. Look at experience, what the job is. The skillset might be special. Look at the market price for that particular skill set. Depending on the job, weight of one factor over another may change in deciding starting salary. The direct hiring manager is the main person that is involved in determining new salary for new hires. May pull in an HR manager as well.

Are they going off of salary range?

Once they look at candidate and what career level makes sense, then we look at the salary range applicable for that. There is some flexibility. We post jobs for the level that we think the job requirements are. However, our system allows for the position to be filled one level up or one level down from the career level posted.

Can it be more than one level up or one level down?

My understanding is that you have to start from scratch (meaning new posting/recruitment) if wanted to go more than one level up or down.

Any other approvers?

Final approver would be up through the management chain, and finally the approver at the CEO office for a new hire. Every new hire salary request goes through the one approver at the CEO office, in total there are three folks who work in the group. . The salary offer goes through the hierarchy; numerous managers may see the transaction and are asked to weigh in. For new hire, it goes all the way to CEO's office for approval.

9. Is there a form that is used to determine starting base pay for a new hire or a promotion?

document; it is easier to understand than the system one. Only document that I have a full one is a corporate bonus. For sales and consulting, I need to go to GIC group to request that. (Oracle to provide upon request.)

11. What are the factors used in determining starting base pay?

a. What role does negotiation have in the new hire base pay?

As you might expect, every situation is different - case by case basis. I don't know how often or the level at which negotiation happens.

Ever go above salary range?

There can be some examples of going over the range, not a strict policy that cannot go outside of our range. This happens in acquisitions. We do have people that come in through acquisitions that are out of our range, either below or above. Once in a while, someone could be brought in above the range. We look for special skills or for new people, we try to match what they made at the previous company.

b. Prior Salary?

Yes, this is a factor.

c. Time in position?

That is a factor but not as important as performance or results. As you go up in career, time in position, becomes less important. TIP becomes less and less important as you stay longer. Someone coming in right out of college at IC1 is at a steep learning curve, may become an IC2 more quickly but an IC4 or IC5 takes longer to move up.

Shauna – Time in position is not as important as experience. If someone could bring in more experience, then we can pay more. TIP only important as it relates to experience. May be someone highly skilled person from another company and in greater need and is then paid at a higher amount. Bulk of compensation is driven by performance.

d. Education?

Lisa - I look at a job code table. HR is a function, comp/benefits is a specialty. Some of them are old fields. May or may not help. For software developer, that is a specialty under product development function. There is a specialty but then nothing else to distinguish developers from each other.

Shauna – supervisor code is really the best way to analyze because there are numerous products. Once looking at the supervisor code, you can see the product line. Supervisor may have a larger group overall but may only have a couple at the particular location. Supervisor may have 15-20 people reporting to a supervisor worldwide but only a couple at the location. Employees are typically included in the AAP where they are physically located at. They are considered an applicant and hire at the physical location that they work at but the decision maker might be somewhere else.

At Oracle, all employees are in the AAP of the physical location but the manager is somewhere else. For those that are virtual workers, there is what's called a Field office plan.

For personnel activity, the hire is attached to the plan they are hired into. A job opening may say 'US job' and isn't attached to a location. For example, I hired Lida recently. It was posted as a US job, could be anywhere. I recruited mostly in Arizona, California and Texas because I figured it would be easier for training purposes to have her located at HQ, offices in Texas or near me in Arizona.

After being hired and during recruitment, new hire might go work in a physical office or work from home and are added to the appropriate AAP.

1. Pay Surveys?

Use salary surveys to establish salary ranges. We look at salary ranges once a year and decide whether they need to be adjusted. Managers have the ranges, but don't see the survey data.

Guidelines for managers about using the salary ranges?

Managers are given a lot of discretion - depending on the job they are hiring for, unique skill or lots of experience, may be higher in the range. If managers have questions, they can go to HR manager for guidance. There are 2 sets of salary ranges for the US: HQ, are Zip codes around bay area and non-HQ, is everyone else.

HQ is 10% higher. Pleasanton is part of HQ range. This is based on market data for salaries in those areas.

there. A supervisor is in one line of business, mine is HR. A supervisor right down the hall from me reports up in product development.

l. Organizational Unit;

Shauna-We don't really have an organizational chart. Supervisor code is really the way to look at it. If you look at everything for supervisor code - we don't pay according to job group or job title because it is broad and different products require different skills. Different people working at same job titles, have/with different skills.

How many Product's does Oracle have?

Numerous, - can't even say how many. You may see in the news but as a business we buy companies and often acquire other companies.

m. Stock programs? Is this an ESOP?

ESOP program is different than what I was describing before. ESOP is an opportunity for any employee to have money withdrawn to buy stock.

For the stock program, each leader is given an annual budget of stock and they cascade this to their managers. Similar to a bonus but its stock.

Annual budgets are given to leaders at a very high levels (i.e. Safra Catz, Mark Hurd, Edward Screven) EVP's and Presidents are the 'leaders'. This is where the budgets are going to go. Regularly changing who is in the leadership and the titles but its EVPs and Presidents. This is a lot simpler eligibility than the corporate bonus. This is typically country related. Some at very lowest levels may not be eligible. (OFCCP will be requesting this stock eligibility one-pager)

12. Who is eligible or ineligible for bonus programs? Which bonus programs?

Instructor bonus is one

Shauna – compliance does equity studies. During the Focal review all positions are looked at when determining salary adjustments.

Lisa- we don't do equity studies regularly but may do ad hoc analyses. Focal review is done periodically, when we get a budget to give merit increases. Want to do it annually, but it depends on market conditions. When we do get a budget, there is lots of review of lots of employees by managers and HR.

18. Prioritize the factors given for base pay:

All are important, depends on job too. We've talked about skills, education, experience, and market rates. Depends on the situation; which would have a higher weighing for that job and selection. Current or previous salary is a big factor too. Long laundry list of what we look at and it depends on the situation.

19. Are merit increases tied to performance ratings?

Some companies have defined structure and strict guidelines based on rating number and % increase. Oracle does not have that type of structure. Not all groups are required to have performance rating. There is no formal structure. Supervisor does not have to conduct performance reviews or give a rating number. May have salary increases without performance review on the books. Or sometimes a rating using a 1-5 type scale may be used.

We did not have a coproate wide merit budget in 2013. There is no formal performance review. Depending on the organization, employees might not have a performance review but just a rating.

Focal review – budget is given to managers in the tool and the budget is cascaded down and then approved back up the hierarchy.

Oracle is divided into two merit review programs: Sales and non-sales. Both programs are global.

Focal review is not annual and not at the same time, it varies. It's been in July and September or this last one in 2014 was in November.

The ones before that were in 2012, 2011 and 2010. Prior to 2010, due to the recession, it had been several years since a focal review was conducted and merit increases were given.

Outside of the focal review, what types of merit increases can be given?

Off-cycle reviews are the only other increase.

We look at the circumstances of a promotion, andwhat the current salary is. Someone that changes from a sales job ..iff they are moving into a job that doesn't have those elements, we may or may not adjust pay. Case by case on where you're coming from and where are you going. There isn't a set formula. There are a lot of these and we spend a lot of time on these.

Example, software developer manager - maybe came in through a different job or through an acquisition and is high salary in the range. Then promoted to a sr. manager but the employee's salary is still appropriate in sr. manager range. In that circumstance the employee may not get an increase.

But if they do a good job, they are then eligible for higher bonuses and higher salary increases because of the new salary range. They also have the new title and opportunities which are important.

Is Annual target variable only for sales?

ATV is only for sales and consulting.

23. With pay differences between individuals, how do you determine the difference in pay based on experience, knowledge, skills, and performance? Is there a numerical value you place on these elements?

No formula, depends on the job. Years of experience can be important. But if we are looking for a very particular skill, we might be honing in on an element of someone's resume. Specific need in an organization and go out looking for a specific skill. High tech moves so quickly, may have someone with 5 years of experience but not the right skill.

24. For H1B employees, are there internal equity considerations used in determining compensation?

I don't know if we have them at Pleasanton.

H1B folks, depending on the job, determines what they are eligible for. Based on the job these employees are eligible for all the same bonuses and have same salary ranges.

I don't even think that there is a flag for these folks in the system. For starting salaries, they are given same salary ranges and placed in a job based on experience and other factors.

25. How is salary determined when someone is promoted? What factors are considered?

Depends on what the job is. What they are being promoted to. No defined formula. Everyone is going to be looked at differently.

Cover non-sales. Roughtly half of the Company - Product development and F & A– 60,000 employees. About 48,000 in US. About 60,000 out of 130,000Oracle employees.

Most recent hire date- last time they came on to Oracle's payroll.

Original Hire Date:

Dates of Hire- Oracle Hire Date, Original Hire Date

Length of time in position- at Oracle

For acquisitions, I have a continuous service date, keep vacation but if I left the vacation would be gone.

If they leave, they come back, then they don't get to keep the benefits. If they leave and come back for a higher salary, we are very careful. What were they being paid and what they got when they left.

Are there many transfers?

Depends on the group, with product development it is much less. I probably, at least once a week, speak to HR manager about transfer and looking for an opinion. In sales side, there is lots of movement. They just keep the same wage, same title and just decide they want to move to a new location. It depends on the situation- even from HQ to non-HQ location.

Ranges are tied to physical location.

I would be put into an HQ range if I moved but my boss would not automatically give a salary increase or decrease.

The above is true to the best of my knowledge and recollection.

Lisa Gordon 2/11/15

Lisa Gordon, Director Compensation Date

EXHIBIT B

- Dataset used for that analysis
- Actions taken, if any, as a result of the analysis

4. HQCA March 2015 submission of number of protected Veterans included only 19 individuals. VETS 100-A report stated a total of 137 veterans. . Please provide a detailed explanation of this discrepancy.

5. Please provide a detailed explanation of why the total workforce in the AAP only had 7,421 employees but the 2014 EEO-1 report showed 16,015 employees.

6. For all employees who were hired during the review period 01/01/2013 – 06/30/2014, include the following in separate columns:
   - Visa status (yes/no)
   - If they are on visa status, include the specific visa (not limited to H1B) they were holding

7. Please resubmit the compensation database (snapshot as of 01/01/2014) to include each of the following, some of which have already been requested, in separate columns:
   - Starting wages/salary
   - School attended
   - Educational degree
   - Prior salary immediately before joining Oracle
   - Performance evaluation rating
   - Rank (by performance)
   - Hire date/Acquisition date
   - Hourly wages
   - Number of hours worked
   - Years of experience before joining Oracle
   - Stock level
   - Hiring manager(s)
   - Amount of signing bonus
   - Visa status
   - Type of visa, including but not limited to H1B
   - The date (mm/dd/yyyy) that the visa was initially processed
   - Current status of visa
   - The date (mm/dd/yyyy) that green card/permanent resident card was processed

8. Please resubmit the Resume Files that were sent on Thursday, March 26, 2015, in an easy to read format. The picture-format resumes pasted on MS Word could not be easily read.

9. For all applicants and total hires in the following job titles from January 1, 2013 to June 30, 2014, please provide the following:
   - Copies of each requisition, including copies of each job posting and each job description

For the follow-up onsite, we request that you provide 2 interview rooms so that we may conduct 2 simultaneous interviews while onsite. We anticipate that each interview may take up to 2 hours. We will work together over the coming days to develop an interview schedule.

Additional data and/or information may be identified and requested prior to and during the on-site evaluation. If you have any questions, please contact me at (415) 625-7829.

Sincerely,

Hea Jung Atkins
District Director

From:	Shauna Holman Harries
To:	Atkins, Hea Jung K – OFCCP
Cc:	Luong, Hoan – OFCCP; Nell Bourque; Charles Nyakundi; Bill Couch; Lida Daniel; Vickie Thrasher
Subject:	April 27 RFI Item 3
Date:	Tuesday, June 02, 2015 10:27:47 AM

Hello Hea Jung. I am sending this email in response to your request #3 in your April 27 letter regarding internal pay equity analysis during. To answer your question, I refer you to the lengthy interview conducted with Lisa Gordon by Brian Mikel over two days on January 9 and 13, 2015. Mr. Mikel was also provided with an explanation of pay and the pay review process on January 9. In sum, pay equity at Oracle, and ensuring fairness and consistency among or between cohorts, is an going process, and an integral part of Oracle's evaluation of its compensation systems.

During her interview with Mr. Mikel, Ms Gordon was asked extensively what Oracle has in place to assess employee pay and to ensure fairness and consistency relative to its jobs and the legitimate, non-discriminatory factors used by Oracle. In sum, she noted the role of HR or Compensation, and/or a manager, in reviewing where a new hire's pay falls relative to incumbent cohorts. She also referred to the Company's compensation policies and training materials we previously provided to OFCCP. She also identified the process of focal reviews as another tool to assess relative pay. She also identified the role played by Carolyn Balkenol and her team in essentially providing a further point of process quality control.

As you will also recall, Ms Balkenol was interviewed during the on-site. Although the OFCCP never provided any notes of her interview, which took place Thursday, March 26, Nell Bourque was present. As Ms Balkenol explained during this interview, she does not conduct any substantive review of pay decisions. Rather she does "quality control" of the hiring paperwork and process. She also was asked whether, at her level, the conversation is on raising or lowering salary. She said "no" and that in any such instance she would send it to "Compensation."

With regard to pay audits to assess legal compliance with Oracle's non-discrimination obligations and to further ensure Oracle's compensation policies and practices are carried out, those are conducted by our outside EEO compliance counsel at Orrick.

Best Regards,
Shauna Holman-Harries

ORACLE

Shauna Holman-Harries - Director Diversity Compliance
Phone: +1 602 333 9112 | Fax: +1 602 333 9112 | Mobile: +1 480 689 1858

Working to create an inclusive, diverse culture that drives innovation and business success.

The information in this email is confidential and may be legally privileged. It is intended solely for the addressee. Access to this email by anyone else is unauthorized. If you are not the intended recipient,

Deposition Exhibit 61
Deponent: Waggoner
Date: 7-27-18
Reporter: Jane Grossman, CSR No. 5225

Exhibit 7

EXHIBIT 2

EXHIBIT 2

UNITED STATES DEPARTMENT OF LABOR

OFFICE OF ADMINISTRATIVE LAW JUDGES

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS, UNITED STATES DEPARTMENT OF LABOR,	) OALJ Case No. 2017-OFC-00006
Plaintiff,	) OFCCP No. R00192699
vs.	
ORACLE AMERICA, INC.,	
Defendant.	

VIDEOTAPED DEPOSITION OF SHAUNA HOLMAN-HARRIES

9:00 a.m.

May 8, 2019

Phoenix, Arizona

REPORTED BY:
Robin L. B. Osterode, CSR, RPR
AZ Certified Reporter No. 50695
JOB No. 190508ROS

09:23:18 1 Q. And what was Christina Solis's title?
09:23:22 2 A. Her official title in the system was HR
09:23:29 3 consultant II, but her working title was compliance
09:23:32 4 analyst.
09:23:32 5 Q. What does a compliance analyst do?
09:23:39 6 A. It's a -- they -- they work on matters --
09:23:43 7 in my team, they work on matters of affirmative
09:23:47 8 action. I can't -- however, I want to clarify that.
09:23:52 9 There may a compliance analyst in another area doing
09:23:55 10 completely different work, but for purposes of my
09:23:59 11 work group, it -- it's somebody that works on
09:24:02 12 affirmative action and compliance.
09:24:04 13 Q. Has the number of people that you -- sorry,
09:24:08 14 let me start over.
09:24:10 15 Has the number of people who report to you
09:24:12 16 changed since 2011?
09:24:14 17 A. Yes.
09:24:14 18 Q. And how has it changed?
09:24:17 19 A. It's increased.
09:24:18 20 Q. Okay. Can you tell me in 2013 how many
09:24:23 21 people reported to you?
09:24:24 22 A. Christina Solis. And I started adding
09:24:33 23 people, and then I think in 2013 we added one
09:24:36 24 contractor at that time named Neil Bourque.
09:24:41 25 Q. And did anyone else work for you in 2013?

09:24:52 1 A. Those were the only two that I recall in
09:24:56 2 2013. I'd have to look at all the dates to be
09:25:00 3 specific and, you know, since that time since we've
09:25:05 4 added people, since that time, but in 2013, there
09:25:11 5 were just one contractor that worked for a temporary
09:25:14 6 agency, and -- and Christina Solis. So officially on
09:25:18 7 the payroll there was just Christina.
09:25:22 8 Q. Has anyone else worked in Oracle's
09:25:30 9 compliance group between 2013 and the present?
09:25:34 10 A. Yes.
09:25:34 11 Q. And who is that?
09:25:36 12 A. Sean Smith.
09:25:41 13 Q. And what's Sean Smith's role?
09:25:44 14 A. He is a senior compliance analyst.
09:25:47 15 Q. And when did Sean Smith start working for
09:25:51 16 the compliance group?
09:25:52 17 A. I'd have to look to get the exact dates.
09:25:56 18 But he started as a contractor in 2015, when he came
09:26:01 19 onto Oracle's payroll and wasn't a contractor and was
09:26:04 20 hired by that -- I don't feel comfortable giving you
09:26:07 21 a date without looking -- looking at it and -- and
09:26:09 22 researching it.
09:26:10 23 Q. But he started working with your compliance
09:26:12 24 group in 2015?
09:26:13 25 A. Yes.

09:26:14 1 Q. And is he still working?
09:26:16 2 A. Yes.
09:26:16 3 Q. He's still working with the compliance
09:26:21 4 group?
09:26:21 5 A. Yes.
09:26:21 6 Q. Okay.
09:26:21 7 A. Yes.
09:26:22 8 Q. Anyone else join the compliance group?
09:26:25 9 A. Yes.
09:26:25 10 Q. And who is that?
09:26:26 11 A. Well, Neil Bourque came on officially on
09:26:32 12 Oracle's payroll in 2014.
09:26:35 13 Q. Anyone else?
09:26:36 14 A. Yes. And there was a person that worked
09:26:41 15 for us for a short period of time by the name of Bill
09:26:45 16 Couch.
09:26:45 17 Q. And what was Bill Couch's role?
09:26:47 18 A. He was a compliance analyst. Or senior
09:26:53 19 compliance analyst. And he was a contractor first.
09:26:56 20 And then came on sometime later, but I would have to
09:27:00 21 look at the exact dates to tell you when.
09:27:02 22 Q. Okay. Do you know when about he started
09:27:04 23 working as a contractor for Oracle?
09:27:07 24 A. Yeah. It was sometime, I believe, in 2014,
09:27:10 25 but again, it's been -- I haven't refreshed my memory

09:27:14 1 on this, so I could be off. I just want to clarify
09:27:17 2 that.
09:27:32 3 Do you want the rest of them?
09:27:33 4 Q. Yes.
09:27:34 5 A. Okay. Do you want -- okay, so we've got
09:27:37 6 Bill. And then -- then we brought on Lida Daniel.
09:27:43 7 Q. And what was Lida's role?
09:27:45 8 A. She's a senior compliance analyst. And she
09:27:48 9 replaced Christina Solis. And that was in 2000 -- at
09:27:54 10 the very end of 2014. And she came directly on
09:27:57 11 payroll. And then, let's see, we -- we had -- one
09:28:04 12 person by the name of Kela Moon that worked for us as
09:28:08 13 a contractor. And I'm not certain of the amount of
09:28:11 14 time there. I know it was at least a year, but I'd
09:28:15 15 have to -- to look at records to be exact, and she --
09:28:18 16 she came on as a compliance analyst. And she was a
09:28:22 17 contractor, though; she was not on our payroll.
09:28:29 18 And we had another contractor that just
09:28:32 19 worked for us for a few weeks by the name of Mike.
09:28:37 20 And he was a temporary employee.
09:28:39 21 Q. And that was just a couple weeks?
09:28:41 22 A. Yeah, or maybe a month, tops, you know,
09:28:43 23 right around there. It wasn't very long. And --
09:28:47 24 and, let's see, I'm trying to make sure I have all of
09:28:49 25 them. And then we have Carlos Sanchez, and he came

09:28:56 1 on as a contractor, I think sometime in 2015. It may
09:29:02 2 have been the beginning of '16, but I think it was
09:29:06 3 2015. And he was a contractor for a while, and then
09:29:09 4 came on our payroll. But I don't know how long he
09:29:12 5 was a contractor before he came on our payroll.
09:29:15 6 Q. And was Carlos Sanchez also a compliance
09:29:19 7 analyst?
09:29:20 8 A. Yeah. He was a senior compliance analyst.
09:29:26 9 And I think, let's see, so, let me -- oh,
09:29:29 10 and then we have Tobi MacIntyre. And she's a
09:29:38 11 compliance analyst, but she also does a lot of our --
09:29:43 12 our local outreach development, and that type of
09:29:46 13 thing. So she's a little different than the others.
09:29:48 14 Q. And when did Tobi MacIntyre start working
09:29:54 15 with your group?
09:29:55 16 A. She came on as a contractor, I believe in
09:30:03 17 2000 -- it could have been '16. You know, I keep
09:30:05 18 telling you '15 on these, it could have been '16 for
09:30:05 19 Carlos and Tobi, because they came about the same
09:30:09 20 time. So I'm going to take back what I said. I
09:30:11 21 believe they came on in 2016, because you're asking
09:30:14 22 for my memory, and I just want you to be really clear
09:30:17 23 that I'm guessing on these.
09:30:19 24 And -- and so it's -- you know, it's an
09:30:21 25 educated guess for proximity, but I don't want to

09:30:26 1 be -- have my -- mislead you in any way.
09:30:28 2 So they came -- I think that it was 2016
09:30:31 3 that they came on, I'm pretty sure. And then -- and
09:30:34 4 then -- and that would be the same for the
09:30:37 5 contractor, Mike. And so kind of move up that group
09:30:42 6 for a minute. But in '15 it was Bill Couch, Lida,
09:30:48 7 and then we also have a person by the name of Charles
09:30:52 8 Nyakundi. And he -- he came on as a contractor for
09:30:58 9 another team at the end of 2014. And then he started
09:31:05 10 working for my team in -- as a contractor in March of
09:31:13 11 2015. And I do not recall when he came on our
09:31:21 12 payroll.
09:31:21 13 So -- and -- and so Charles -- Charles was
09:31:25 14 actually -- so there. So just like move everything
09:31:29 15 else up a year. So Lida was the bottom -- '14 she
09:31:34 16 came on; Charles in -- in '15, for my team. And then
09:31:39 17 Neil was '13. And then Sean -- Sean came on, I
09:31:49 18 believe that was the -- in 2015. And Kela, I think
09:31:56 19 it was 2015. But Carlos and Tobi, I believe it was
09:32:01 20 2016.
09:32:02 21 But please, you know, allow me some -- I
09:32:05 22 could be off slightly on that. So I don't want to
09:32:09 23 be, you know, held to exactness. I'd really have to
09:32:13 24 look it up to give you a better answer.
09:32:15 25 Q. That's your best recollection of when --

09:32:17 1 A. My best recollection, but it could -- it
09:32:19 2 could be erred.
09:32:21 3 THE REPORTER: Please wait for her to
09:32:22 4 finish.
09:32:24 5 BY MS. BREMER:
09:32:24 6 Q. Do your responsibilities include overseeing
09:32:29 7 OFCCP audits at Oracle?
09:32:31 8 A. Yes.
09:32:32 9 Q. How long have you been overseeing OFCCP
09:32:35 10 audits for Oracle?
09:32:38 11 A. Since the beginning of 2011, which was my
09:32:43 12 hire date; however, we -- we didn't have an audit for
09:32:46 13 the first few years I was there or the first year and
09:32:51 14 a half.
09:32:52 15 Q. How many audits have you overseen over the
09:32:55 16 course of your career at Oracle?
09:32:59 17 A. Approximately, I'd have to look at the
09:33:02 18 list, but approximately so far that have been
09:33:05 19 initiated, somewhere around 45.
09:33:07 20 Q. Has Oracle been a federal contractor for
09:33:19 21 the entire time that you've worked for Oracle?
09:33:22 22 A. Yes.
09:33:22 23 Q. What are your responsibilities in
09:33:28 24 overseeing OFCCP audits?
09:33:31 25 A. With regard to the audit only, my team and

09:36:09 1 different people in a recruiting and diversity
09:36:12 2 inclusion, and some of our different employee
09:36:17 3 resource groups that pull information for -- for the
09:36:20 4 audits.
09:36:23 5 There could -- the legal team there,
09:36:26 6 depending on the question could be, you know,
09:36:28 7 providing information for audits. And there's -- you
09:36:36 8 know, and I may have left some off, but that's --
09:36:39 9 that's kind of a general idea of reaching out to some
09:36:42 10 of these different groups. There could be -- some of
09:36:46 11 these other teams that where the OFCCP may have
09:36:50 12 questions where they want to interview somebody, and
09:36:53 13 in those instances, you know, it's just coordinate --
09:36:57 14 I just coordinate the efforts, and so those teams
09:36:59 15 could be involved.
09:37:00 16 There could be any -- any wide range of
09:37:03 17 teams involved in an audit. So I think that in order
09:37:06 18 to answer the question and give you the information
09:37:08 19 that you're looking for, I would need an exact -- you
09:37:13 20 know, need you to kind of drill down a little more.
09:37:16 21 MS. BREMER: Okay. I'd like mark as
09:37:18 22 Exhibit Number 17 a declaration of Shauna
09:37:23 23 Holman-Harries, in the case of Jewett versus Oracle.
09:37:37 24 MS. CONNELL: Which number are we on?
09:37:38 25 THE REPORTER: 17.

09:37:40 1 (Marked for identification Exhibit 17.)
09:37:40 2 MS. CONNELL: Okay. Thank you.
09:37:41 3 BY MS. BREMER:
09:37:41 4 Q. Do you recognize this declaration?
09:37:52 5 MS. CONNELL: Take your time to review it.
09:37:54 6 THE WITNESS: Okay.
09:38:02 7 Yes.
09:38:03 8 BY MS. BREMER:
09:38:03 9 Q. And your signature is on page 4. Correct?
09:38:06 10 A. Yes.
09:38:07 11 Q. And this is a declaration that you
09:38:10 12 signed --
09:38:10 13 A. Yes.
09:38:11 14 Q. Please let me finish my question before you
09:38:14 15 answer.
09:38:14 16 A. Oh, I'm sorry, I thought you did. Yes, I'm
09:38:16 17 sorry.
09:38:17 18 Q. And this is a true and correct copy of a
09:38:22 19 declaration that was filed in the Jewett versus
09:38:25 20 Oracle case?
09:38:27 21 MS. CONNELL: Objection; calls for
09:38:27 22 speculation.
09:38:33 23 THE WITNESS: I don't know. I'm not aware
09:38:34 24 of what was filed in the Jewett case.
09:38:36 25 BY MS. BREMER:

09:38:36 1 Q. This is a true and correct copy of the
09:38:38 2 declaration that you signed on October --
09:38:42 3 A. Uh-huh.
09:38:42 4 Q. -- 2nd, 2018. Correct?
09:38:53 5 A. Yes.
09:38:53 6 Q. And when you signed this declaration, you
09:38:55 7 understood that you were signing it under penalty of
09:38:58 8 perjury. Correct?
09:38:59 9 A. Yes.
09:38:59 10 Q. If you look at that -- look at paragraph
09:39:07 11 2 --
09:39:07 12 A. Yes.
09:39:12 13 Q. -- of the declaration?
09:39:13 14 A. Yeah.
09:39:14 15 Q. It says that, "As senior director of
09:39:17 16 diversity compliance, my responsibilities include
09:39:18 17 overseeing Oracle's Office of Federal Contract
09:39:22 18 Compliance Programs compliance efforts, as well as
09:39:23 19 overseeing Oracle's OFCCP audits"; is that correct?
09:39:28 20 A. Yes.
09:39:29 21 Q. And that's true. Correct?
09:39:30 22 A. That's true. But I'm also the coordinator,
09:39:35 23 you know, for all these other efforts, yes.
09:39:38 24 Q. So in addition to overseeing OFCCP's
09:39:42 25 audit -- I'm sorry, in addition to overseeing

09:39:45 1 Oracle's OFCCP audits, you also coordinate --
09:39:48 2 A. Collecting the data, yes.
09:39:49 3 Q. Okay. So you're responsible for providing
09:39:58 4 information requested by OFCCP?
09:40:03 5 A. Yes.
09:40:03 6 Q. And OFCCP requests data from Oracle when it
09:40:08 7 conducts audits?
09:40:09 8 A. Yes.
09:40:09 9 Q. And you know that Oracle is a database
09:40:12 10 company. Correct?
09:40:13 11 A. Yes.
09:40:13 12 MS. CONNELL: Objection; vague.
09:40:15 13 BY MS. BREMER:
09:40:15 14 Q. It sells software to companies to organize
09:40:19 15 their human resources data?
09:40:21 16 A. Yes.
09:40:22 17 Q. And the data -- the software that Oracle
09:40:38 18 sells to companies to organize its data includes --
09:40:58 19 includes software to organize compensation data.
09:41:02 20 Correct?
09:41:02 21 MS. CONNELL: Objection; vague, assumes
09:41:04 22 facts, calls for speculation.
09:41:05 23 THE WITNESS: I -- I'm not familiar with
09:41:09 24 what products organize compensation data; that's an
09:41:12 25 area that I don't -- that's not my area.

10:12:22 1 BY MS. BREMER:

10:12:24 2 Q. Shauna, are you also responsible for

10:12:27 3 overseeing Oracle's OFCCP compliance efforts?

10:12:32 4 MS. CONNELL: Objection; vague.

10:12:34 5 THE WITNESS: Which efforts?

10:12:37 6 BY MS. BREMER:

10:12:38 7 Q. Okay. Let's turn back to Exhibit 17.

10:12:42 8 A. Okay.

10:12:43 9 Q. Again, paragraph 2, it says, "As senior

10:12:51 10 director of diversity compliance, my responsibilities

10:12:54 11 include overseeing Oracle's Office of Federal

10:12:56 12 Contract Compliance Programs" --

10:12:56 13 A. Okay.

10:12:58 14 Q. -- "compliance efforts, as well as

10:13:00 15 overseeing" OFCCP -- "Oracle's OFCCP audits"; is that

10:13:06 16 correct?

10:13:06 17 A. Yes.

10:13:06 18 Q. Are you responsible for overseeing all of

10:13:13 19 Oracle's OFCCP compliance efforts?

10:13:16 20 MS. CONNELL: Objection; vague.

10:13:17 21 THE WITNESS: Okay. Could you describe

10:13:21 22 which compliance efforts?

10:13:23 23 BY MS. BREMER:

10:13:23 24 Q. Is there anyone else at Oracle who is

10:13:26 25 responsible for complying with OFCCP audits and

10:13:32 1 regulations or is that your group?
10:13:36 2 A. I'm the immediate supervisor of that group,
10:13:39 3 but I have a chain that I report up to.
10:13:42 4 Q. And that's Liz -- it was Liz Snyder; now
10:13:48 5 it's Vickie Thrasher?
10:13:49 6 A. Correct.
10:13:50 7 Q. And what's -- what's Vickie Thrasher's
10:13:55 8 role? Does she oversee -- she's in HR. Does Vickie
10:14:04 9 Thrasher oversee areas other than OFCCP compliance?
10:14:09 10 MS. CONNELL: Objection; calls for
10:14:11 11 speculation.
10:14:11 12 THE WITNESS: Could you be specific what
10:14:13 13 types of areas or --
10:14:14 14 BY MS. BREMER:
10:14:14 15 Q. What are -- what are the other areas
10:14:19 16 that -- that Vickie Thrasher oversees?
10:14:21 17 MS. CONNELL: Calls for speculation.
10:14:22 18 THE WITNESS: That's changed since I
10:14:27 19 started reporting to her. So --
10:14:34 20 BY MS. BREMER:
10:14:34 21 Q. Okay. And what -- what about when you
10:14:38 22 first started reporting to her?
10:14:42 23 A. She oversaw the -- the HR business partners
10:14:47 24 in the Americas.
10:14:49 25 Q. Okay. So as I understand it, you oversee

10:17:33 1 Q. Are there any OFCCP compliance efforts that
10:17:37 2 you're not responsible for --
10:17:38 3 MS. CONNELL: Objection; misstates her
10:17:40 4 testimony --
10:17:41 5 BY MS. BREMER:
10:17:42 6 Q. -- for Oracle?
10:17:42 7 MS. CONNELL: -- vague, calls for a legal
10:17:44 8 conclusion.
10:17:45 9 THE WITNESS: That would depend on what
10:17:46 10 you're requesting.
10:17:53 11 BY MS. BREMER:
10:17:56 12 Q. As -- do you oversee the -- Oracle's
10:18:16 13 Affirm -- Affirmative Action Plan?
10:18:18 14 A. Yes.
10:18:19 15 Q. And do you oversee the affirmative action
10:18:27 16 language in Oracle's contracts?
10:18:30 17 MS. CONNELL: Objection; vague.
10:18:32 18 THE WITNESS: On -- the language in their
10:18:35 19 contracts? With what -- there are different areas
10:18:41 20 with regard to the language in their contracts, so it
10:18:45 21 would be with -- with what type of language are you
10:18:48 22 talking about, and -- and that type of thing.
10:18:53 23 MS. BREMER: All right. Okay. Let me mark
10:18:55 24 as Exhibit 18.
10:18:59 25 THE WITNESS: Okay.

10:19:04 1 MS. BREMER: This is a copy of the
10:19:06 2 regulations 41 CFR Section 60-1.4.
10:19:06 3 (Marked for identification Exhibit 18.)
10:19:13 4 BY MS. BREMER:
10:19:13 5 Q. Are you familiar with these regulations?
10:19:33 6 A. I'm familiar with the regulations, yes.
10:19:35 7 Q. Okay. So Sec -- Section 60-1.4 is the
10:19:45 8 equal opportunity clause, and if you look at
10:19:53 9 subsection (a), it says, "During the performance of
10:19:56 10 this contract, the contractor agrees as follows:
10:19:59 11 One, the contractor will not discriminate against any
10:20:03 12 employee or applicant for employment because of race,
10:20:06 13 color, religion, sex, sexual orientation, gender
10:20:11 14 identity, or national origin. The contractor will
10:20:13 15 take affirmative action to ensure that applicants are
10:20:16 16 employed, and that employees are treated during
10:20:20 17 employment without regard to their race, color,
10:20:23 18 religion, sex, sexual orientation, gender identity,
10:20:28 19 or national origin.
10:20:35 20 "Such action shall include, but not limited
10:20:39 21 to the following employment: Upgrading, demotion, or
10:20:43 22 transfer recruitment, or recruitment advertising,
10:20:47 23 layoff or termination, rates of pay or other forms of
10:20:50 24 compensation, the selection for training, including
10:20:54 25 apprenticeship."

10:22:08 1 with affirmative action, is this snippet okay? Is
10:22:11 2 this language okay? And so that would be the part
10:22:14 3 that I would -- my team would look at.
10:22:16 4 BY MS. BREMER:
10:22:16 5 Q. And have you looked at equal opportunity
10:22:19 6 clauses to -- that are in -- snippets that are to be
10:22:23 7 included in federal contracts?
10:22:26 8 MS. CONNELL: Objection; vague.
10:22:28 9 THE WITNESS: I've looked at them in regard
10:22:31 10 to government contracts. I would -- I don't recall
10:22:34 11 which contracts, but I've looked at snippets in
10:22:39 12 regard to government contracts.
10:22:39 13 BY MS. BREMER:
10:22:41 14 Q. And is it your understanding that the
10:22:43 15 language contained in 41 CFR Section 60-1.4(a)
10:22:50 16 subsection (1) is in Oracle's federal -- or contracts
10:22:57 17 with the federal government?
10:22:58 18 MS. CONNELL: Objection; calls for
10:22:59 19 speculation, assumes facts.
10:23:01 20 THE WITNESS: Yeah, I would have to look at
10:23:04 21 the contract and review the federal -- the contracts
10:23:07 22 in front of me, in order to be able to answer that
10:23:10 23 question.
10:23:10 24 BY MS. BREMER:
10:23:10 25 Q. So you don't know if Oracle's complying

10:23:15 1 with this provision or not?

10:23:17 2 MS. CONNELL: Objection; misstates her

10:23:18 3 testimony and calls for a legal conclusion.

10:23:20 4 THE WITNESS: I can't give you a conclusion

10:23:21 5 on that, because I haven't seen the contract. I

10:23:25 6 mean --

10:23:25 7 BY MS. BREMER:

10:23:25 8 Q. So as the person in charge of OFCCP

10:23:28 9 compliance for Oracle, you've not -- you don't know

10:23:32 10 one way or the other whether the language in 41

10:23:36 11 CFR Section 60 point -- dash 1.4(a)(1) is in Oracle's

10:23:43 12 contracts with the federal government?

10:23:44 13 MS. CONNELL: Objection; misstates her

10:23:46 14 testimony. She never said she was in charge of OFCCP

10:23:49 15 compliance. It also calls for a legal conclusion,

10:23:52 16 assumes facts, and is not -- calls for a legal

10:23:55 17 conclusion and is argumentative.

10:23:58 18 THE WITNESS: I didn't -- I didn't say

10:23:59 19 that. I said that I would have to review a contract

10:24:02 20 in front of me to be able to specifically state today

10:24:07 21 what -- what is on that contract.

10:24:09 22 BY MS. BREMER:

10:24:09 23 Q. So right now, sitting here today, you don't

10:24:11 24 know one way or the other whether the equal

10:24:14 25 opportunity clause is in Oracle's contracts with the

10:24:17 1 federal government?

10:24:18 2 MS. CONNELL: Objection; assumes facts,

10:24:21 3 calls for speculation.

10:24:21 4 THE WITNESS: I would assume so. I've seen

10:24:23 5 it in some of the contracts that Oracle's provided,

10:24:27 6 but what specific -- which contract you're talking

10:24:29 7 about, I would want to see the contract.

10:24:29 8 BY MS. BREMER:

10:24:32 9 Q. Do you know how much money Oracle's

10:24:35 10 contracts with the federal government are worth?

10:24:36 11 A. No.

10:24:36 12 Q. Is it your understanding that in Oracle's

10:24:54 13 contracts with the federal government, Oracle agrees

10:24:57 14 not to discriminate against employees because of race

10:25:00 15 or gender?

10:25:01 16 A. Yes.

10:25:01 17 Q. Is it your -- your understanding that in

10:25:04 18 Oracle's contracts with the federal government Oracle

10:25:07 19 agrees to take affirmative action to ensure that

10:25:10 20 employees are treated during employment without

10:25:12 21 regard to their race or sex?

10:25:16 22 MS. CONNELL: Objection; calls for a legal

10:25:18 23 conclusion.

10:25:19 24 THE WITNESS: That's my understanding.

10:25:21 25 BY MS. BREMER:

10:37:33 1 THE REPORTER: 19.

10:37:34 2 MS. BREMER: 19. I'm going to mark as

10:37:37 3 Exhibit Number 19, a Declaration of Shauna

10:37:40 4 Holman-Harries in Support of Defendants' Motion for

10:37:44 5 Summary Judgment or in the Alternative to Stay the

10:37:46 6 Proceedings for Failure to Conciliate in OFCCP Versus

10:37:53 7 Oracle.

10:38:03 8 (Marked for identification Exhibit 19.)

10:38:03 9 THE WITNESS: Is this one mine?

10:38:05 10 THE REPORTER: For now.

10:38:07 11 THE WITNESS: For now. Okay. I'll give it

10:38:08 12 back.

10:38:08 13 BY MS. BREMER:

10:38:09 14 Q. Is this your signature on page 3 of --

10:38:12 15 A. Yes.

10:38:12 16 Q. -- the declaration?

10:38:15 17 And you signed this declaration on or about

10:38:18 18 April 20th, 2017?

10:38:20 19 A. Yes.

10:38:22 20 Q. If you look at Exhibit A to your

10:38:28 21 declaration, that's the scheduling letter. Correct?

10:38:32 22 A. It -- I don't see it marked A, but yes,

10:38:35 23 that's -- at the bottom.

10:38:36 24 Q. It's at the bottom.

10:38:37 25 A. Never mind.

10:38:39 1 Yes.
10:38:39 2 Q. And did you receive this scheduling letter
10:38:42 3 from OFCCP on or about September 24th, 2014?
10:38:49 4 A. I didn't date stamp it. I believe it was
10:38:52 5 sent to -- somebody else sent it to me, but on or
10:38:58 6 about, yes.
10:38:58 7 Q. And this is a true and correct copy, to
10:39:01 8 your knowledge, of the scheduling letter that was
10:39:05 9 sent?
10:39:06 10 A. To my -- to my knowledge.
10:39:11 11 MS. BREMER: Okay. And then let's mark as
10:39:13 12 Exhibit Number 20, an e-mail; it's Bates numbered
10:39:20 13 ORACLE_HQCA 593.
10:39:20 14 (Marked for identification Exhibit 20.)
10:39:28 15 THE WITNESS: Oh, it's a different -- okay.
10:39:44 16 BY MS. BREMER:
10:39:45 17 Q. Is this a true and correct e-mail that you
10:39:50 18 sent to -- I'm sorry, is this -- is this a true and
10:39:58 19 correct copy of a series of e-mails, dated October
10:40:02 20 28th, 2014 to -- October 28th, 2014, between you and
10:40:15 21 Hea Jung --
10:40:19 22 (Interruption in the proceedings.)
10:40:22 23 THE WITNESS: I'm glad she's helping.
10:40:24 24 MS. BREMER: I wish she could help too.
10:40:31 25 THE WITNESS: Okay. It looks like it, yes.

10:40:38 1 BY MS. BREMER:
10:40:38 2 Q. And it's -- the e-mail at the bottom of the
10:40:42 3 page from you says, "Enclosed please find Oracle
10:40:49 4 Corporation's 2014 Affirmative Action Plan."
10:40:55 5 A. Uh-huh.
10:40:56 6 Q. Correct?
10:40:57 7 A. Correct.
10:40:58 8 Q. So in October of 2014, you sent Oracle's
10:41:05 9 2014 affirmative action program to OFCCP?
10:41:07 10 A. Yes.
10:41:09 11 MS. BREMER: Okay. I'd like to mark as
10:41:10 12 Exhibit 21, a document called Affirmative Action Plan
10:41:17 13 for Oracle America January 2014. It's Bates numbered
10:41:24 14 ORACLE_HQCA 4999 through 5196.
10:41:24 15 (Marked for identification Exhibit 21.)
10:41:46 16 THE WITNESS: Thank you.
10:41:47 17 BY MS. BREMER:
10:41:47 18 Q. Is this a true and correct copy of the
10:41:50 19 Affirmative Action Plan that you sent to OFCCP on or
10:41:53 20 about October 28th, 2014?
10:41:56 21 MS. CONNELL: Take your time to review it.
10:43:20 22 For the record, I'll designate this exhibit
10:43:22 23 as confidential, as it's got a confidential
10:43:25 24 designation.
10:45:24 25 THE WITNESS: Back to the question?

10:45:25 1 Since that was five minutes ago.

10:45:29 2 MS. BREMER: Can you state the question

10:45:34 3 again?

10:45:48 4 (Record read.)

10:45:50 5 THE WITNESS: It looks like it.

10:45:51 6 BY MS. BREMER:

10:45:52 7 Q. And looking at page 5000, you are listed as

10:45:58 8 the individual responsible for plan implementation.

10:46:02 9 Correct?

10:46:02 10 A. I'm trying to -- you said 5000 -- oh, okay.

10:46:09 11 Yeah.

10:46:14 12 Q. And Safra Catz is also listed. Correct?

10:46:20 13 A. Yes.

10:46:20 14 Q. What were Safra Catz's responsibilities

10:46:29 15 regarding Oracle's Affirmative Action Plan?

10:46:35 16 MS. CONNELL: Objection; vague, calls for

10:46:37 17 speculation.

10:46:37 18 THE WITNESS: Can you be a little bit more

10:46:42 19 specific?

10:46:45 20 BY MS. BREMER:

10:46:45 21 Q. What is your knowledge of what Safra Catz's

10:46:50 22 responsibilities are with respect to Oracle's

10:46:53 23 Affirmative Action Plan?

10:46:54 24 A. She signs off on policies and over -- and

10:47:03 25 that Oracle -- that ensure that Oracle is an equal

11:31:43 1 of responsibility goes to managers from the moment
11:31:46 2 that someone comes in to Oracle to -- you know,
11:31:49 3 throughout the employment process.
11:31:51 4 So as far as starting pay, that decision is
11:31:54 5 made by the hiring manager. The HR business partner
11:31:59 6 can provide input, as far as equity with regard to
11:32:03 7 that, but the H -- but the manager that's hiring the
11:32:08 8 person is really the person that has the final say-so
11:32:12 9 on that. And what sign-off process the HR business
11:32:16 10 partner or HR representative, you know, et cetera,
11:32:19 11 does with that, I don't know.
11:32:22 12 And it goes all the way, you know, through
11:32:25 13 our -- if we have a review for an increase called the
11:32:29 14 focal review, we look -- they look at -- the manager
11:32:34 15 looks at compensation for their work group and tries
11:32:36 16 to ensure equity. I think, actually, you know what I
11:32:40 17 think, I think even in the documents we provided you,
11:32:44 18 I believe it even talks about that it's the manager's
11:32:47 19 responsibility in ensuring equity.
11:32:48 20 And I believe there was something that we
11:32:50 21 submitted to you that -- that had that in there. So
11:32:53 22 you might review it. It was a slide. A slide
11:32:55 23 training program. And they go -- bonuses, all of
11:32:59 24 that rests with the manager.
11:33:01 25 Q. So it's your understanding that ensuring

11:33:10 1 equity and fairness with respect to compensation is
11:33:15 2 the responsibility of -- of the managers?
11:33:19 3 A. Yes.
11:33:19 4 Q. And it's not the responsibility of your
11:33:23 5 compliance group?
11:33:24 6 A. Everything rests with the managers.
11:33:27 7 There's so many managers, as I said earlier, I can't
11:33:30 8 ensure what every -- every person is doing. It's --
11:33:33 9 it's a very entrepreneurial environment to where
11:33:38 10 managers and -- generally, they get a budget and
11:33:42 11 they're responsible for how it's distributed and
11:33:44 12 they're trained on -- and in the training it says
11:33:49 13 that they're supposed to consider, you know, it being
11:33:52 14 equitable and fair. I don't know if the word "fair"
11:33:54 15 is in there, but I know "equity" is, and that's their
11:33:58 16 responsibility, yes.
11:33:59 17 Q. Okay. So as the director of diversity
11:34:03 18 compliance at Oracle, and later the senior director
11:34:06 19 of diversity compliance, did you do anything to
11:34:11 20 monitor equal employment opportunity with respect to
11:34:15 21 compensation?
11:34:16 22 A. That's a process that involves many people
11:34:22 23 at Oracle, as I just described. That is done with
11:34:28 24 the focal review. It's done when a person comes on
11:34:31 25 board, and it's done with -- internally within each

11:34:37 1 manager's group. Any other analysis that we've
11:34:39 2 participated in has not been our own analysis, but
11:34:43 3 it's been an analysis that we've -- we've provided or
11:34:45 4 any other piece of that, too, are our attorneys at
11:34:50 5 their direction.
11:34:51 6 MS. BREMER: Okay. Can -- can you read
11:34:52 7 that question again, please.
11:34:53 8 (Record read.)
11:35:14 9 MS. CONNELL: Objection; asked and
11:35:15 10 answered.
11:35:15 11 THE WITNESS: I've answered that.
11:35:17 12 BY MS. BREMER:
11:35:17 13 Q. Okay. My question was whether you did
11:35:23 14 any -- whether you or your group did anything to
11:35:25 15 monitor equal opportunity employment with respect to
11:35:29 16 compensation?
11:35:29 17 A. Anything like that that my group did was at
11:35:31 18 the direction of our attorneys.
11:35:36 19 Q. Okay. So you --
11:35:38 20 A. And -- and -- and we ran any -- any kind of
11:35:40 21 information that we ran, we -- we ran the information
11:35:43 22 at their direction and provided it to them.
11:35:45 23 Q. So any monitoring -- you did not -- as --
11:35:56 24 as director of diversity compliance at Oracle, and
11:35:59 25 later senior director of diversity compliance, you

11:36:03 1 did not do any monitoring of equal employment
11:36:10 2 opportunity activities with respect to compensation
11:36:13 3 except at the direction of your attorneys?
11:36:17 4 MS. CONNELL: Objection; misstates her
11:36:20 5 testimony and assumes facts.
11:36:23 6 THE WITNESS: The monitoring that we did
11:36:25 7 was at their -- at their direction. The other
11:36:35 8 monitoring is, as I said in my previous statement,
11:36:39 9 through the -- the focal review process, because of
11:36:42 10 the entrepreneurial environment at Oracle.
11:36:45 11 BY MS. BREMER:
11:36:45 12 Q. Okay. Going back to the new -- the
11:36:53 13 second-level overview of work flows that --
11:36:56 14 A. Yes.
11:36:57 15 Q. -- that was implemented in 2017?
11:36:59 16 A. Yes.
11:36:59 17 Q. When you are reviewing -- you said that you
11:37:09 18 pulled -- you pulled data --
11:37:10 19 A. Uh-huh.
11:37:11 20 Q. -- for someone -- for a team, if there was
11:37:20 21 a promotion, hire, or termination. What -- what
11:37:24 22 group did you pull the information for?
11:37:27 23 A. What do you mean by "group"?
11:37:29 24 Q. Was it by -- was it by supervisor, by job
11:37:34 25 title, you know, when you were analyzing --

11:43:39 1 Affirmative Action Plan, page 8.
11:43:39 2 A. Uh-huh.
11:43:45 3 Q. This page is "Development and Execution"
11:43:48 4 of --
11:43:48 5 A. Uh-huh.
11:43:48 6 Q. -- "Action Programs."
11:43:48 7 A. Yes.
11:43:49 8 Q. Do you see that?
11:43:51 9 A. Yes.
11:43:52 10 Q. The first paragraph is a statement of
11:43:58 11 Oracle's goals for its Affirmative Action Plan.
11:44:03 12 Correct?
11:44:03 13 A. Yes.
11:44:03 14 Q. And its -- its commitment to affirmative
11:44:09 15 action?
11:44:09 16 A. Correct.
11:44:10 17 MS. CONNELL: Sorry, which page are we on?
11:44:12 18 THE WITNESS: On page 8, right here. I
11:44:12 19 think it's like Oracle's primary and most effective
11:44:14 20 program, is that it, under development and execution
11:44:16 21 action programs? That one?
11:44:18 22 BY MS. BREMER:
11:44:18 23 Q. Exactly.
11:44:26 24 And in the discussion of -- in the
11:44:29 25 statement of Oracle's goals, there's no mention of

11:44:33 1 Oracle's commitment to affirmative action regarding
11:44:36 2 employee pay. Correct?
11:44:38 3 MS. CONNELL: Objection; misstates the
11:44:40 4 document. It doesn't refer to goals.
11:44:41 5 THE WITNESS: Yeah, I -- I'm unclear on the
11:44:43 6 question, because I don't see the word "goals" in
11:44:45 7 here.
11:44:48 8 BY MS. BREMER:
11:44:49 9 Q. Okay. In the statement of Oracle's
11:44:53 10 commitment to affirmative action, there's no mention
11:44:56 11 of Oracle's commitment to affirmative action
11:45:02 12 regarding employee pay. Correct?
11:45:04 13 MS. CONNELL: Objection; misstates the
11:45:05 14 document.
11:45:05 15 THE WITNESS: I don't -- I don't believe
11:45:11 16 this -- this doesn't -- this isn't -- pay is not
11:45:16 17 covered in this area. So this is some of the
11:45:18 18 execution of action-oriented programs.
11:45:21 19 BY MS. BREMER:
11:45:21 20 Q. Okay. Let's turn to page 11.
11:45:30 21 A. Okay.
11:45:30 22 Q. Okay. It says, at the top of the page,
11:45:38 23 "The director of diversity compliance" -- that's you.
11:45:41 24 Right?
11:45:41 25 A. Yeah.

11:45:42 1 Q. -- "is responsible for implementing an
11:45:44 2 effective auditing and reporting system."
11:45:48 3 A. Uh-huh.
11:45:48 4 Q. And it says that "Oracle develops and
11:45:57 5 analyzes internal audit reports to assess performance
11:46:02 6 in at least the following areas," and the last one is
11:46:04 7 compensation. Correct?
11:46:05 8 A. Correct.
11:46:06 9 Q. Okay. All right. And you're responsible
11:46:10 10 for developing internal audit reports regarding
11:46:13 11 compensation?
11:46:14 12 A. The only -- the audit reports that we've
11:46:17 13 developed have been at the direction of our
11:46:19 14 attorneys, and have been provided to them.
11:46:21 15 Q. Did you prepare -- did you and your team
11:46:29 16 prepare internal audit reports regarding
11:46:35 17 compensation?
11:46:36 18 MS. CONNELL: Objection; vague.
11:46:37 19 THE WITNESS: Under attorney-client -- for
11:46:39 20 our attorneys.
11:46:40 21 BY MS. BREMER:
11:46:41 22 Q. I'm asking who -- who actually prepared the
11:46:43 23 reports, was that your team?
11:46:44 24 A. For our attorneys? I -- I can't say with
11:46:48 25 certainty that other areas didn't do some kind of

11:46:53 1 overview outside of my group. But my group prepared
11:46:57 2 some of them, I would imagine, or -- but I can't say
11:47:00 3 how extensive that is.
11:47:01 4 Q. Okay. So your group did prepare audit
11:47:06 5 reports to assess Oracle's performance regarding
11:47:10 6 compensation?
11:47:11 7 MS. CONNELL: Objection as to the purpose
11:47:13 8 of the so-called audit reports. Calls for a legal
11:47:18 9 conclusion, and it's vague and ambiguous.
11:47:20 10 THE WITNESS: You would have to -- the
11:47:23 11 purpose of it -- the full purpose of it, again, it
11:47:25 12 was -- our purpose was attorney-client work product.
11:47:28 13 And our attorneys would determine the purpose.
11:47:32 14 BY MS. BREMER:
11:47:32 15 Q. Okay. But you -- your group prepared audit
11:47:38 16 reports regarding compensation. Correct?
11:47:42 17 MS. CONNELL: Objection; vague as to "audit
11:47:45 18 reports."
11:47:49 19 THE WITNESS: What do you mean "audit
11:47:50 20 reports"?
11:47:51 21 BY MS. BREMER:
11:47:51 22 Q. Okay. This document says that "Oracle
11:47:54 23 develops and analyzes internal audit reports to
11:47:56 24 assess performance in at least the following areas";
11:48:00 25 the last one is compensation.

11:48:02 1 Did you -- did your group develop internal
11:48:06 2 audit reports to assess Oracle's performance
11:48:09 3 regarding compensation?
11:48:12 4 A. Only at the direction of our attorneys.
11:48:13 5 MS. CONNELL: Let me get my objection in.
11:48:16 6 THE WITNESS: Okay.
11:48:16 7 MS. CONNELL: Objection; calls for a legal
11:48:18 8 conclusion and asked and answered.
11:48:19 9 BY MS. BREMER:
11:48:19 10 Q. Okay. Did you -- in developing internal
11:48:29 11 audit reports on compensation, did you pull data
11:48:43 12 regarding compensation?
11:48:43 13 MS. CONNELL: Same objections.
11:48:51 14 THE WITNESS: All of our -- any data that
11:48:52 15 we pulled was directed for -- under attorney-client
11:48:55 16 work product.
11:48:56 17 BY MS. BREMER:
11:48:56 18 Q. Okay. But you did pull data to perform or
11:49:00 19 develop internal audit reports on compensation?
11:49:03 20 MS. CONNELL: Objection; vague and
11:49:05 21 ambiguous as to "internal audit reports," asked and
11:49:07 22 answered and calls for a legal conclusion. It's also
11:49:10 23 privileged as to what the purpose of --
11:49:12 24 MS. BREMER: I didn't ask the purpose. I'm
11:49:15 25 following this --

11:49:18 1 Ask the question. Can you repeat the
11:49:20 2 question, please.
11:49:20 3 THE REPORTER: Can you adjust your
11:49:34 4 microphone so it's standing up.
11:49:34 5 (Record read.)
11:49:35 6 MS. CONNELL: Same objections and misstates
11:49:38 7 her testimony.
11:49:38 8 THE WITNESS: I'm going to have to give you
11:49:41 9 the same answer. We pulled data for our attorneys
11:49:47 10 with regard to affirmative action, but it was part of
11:49:50 11 attorney-client work product.
11:49:52 12 BY MS. BREMER:
11:49:52 13 Q. Okay. So the data that you pulled to
11:49:59 14 analyze compensation, did you -- has that been
11:50:08 15 retained?
11:50:09 16 MS. CONNELL: Objection; misstates her
11:50:11 17 testimony, that assumes facts and lacks foundation.
11:50:15 18 Also calls for speculation.
11:50:16 19 BY MS. BREMER:
11:50:16 20 Q. Okay. You just testified that -- that you
11:50:19 21 pulled data for your attorneys?
11:50:21 22 A. Right.
11:50:21 23 Q. How often did your team pull data for
11:50:27 24 Oracle's attorneys?
11:50:28 25 A. It would vary, depending on the request.

11:52:43 1 there isn't always a focal review -- but if there is
11:52:46 2 a focal review, then the manager, you know, along
11:52:50 3 with the training that they received, is trusted to
11:52:54 4 do a review of the workforce to ensure that people
11:52:58 5 are paid in an equitable manner in their workforce,
11:53:03 6 and that also applies to any bonuses received or any
11:53:07 7 type of stock equity or anything like that.
11:53:09 8 BY MS. BREMER:
11:53:09 9 Q. Okay. Talking about, again, the internal
11:53:14 10 audit reports that are mentioned in Oracle's
11:53:21 11 Affirmative Action Plan, that you prepared --
11:53:24 12 A. Uh-huh.
11:53:25 13 Q. -- do you -- does your group conduct
11:53:36 14 analyses for the internal audit reports?
11:53:42 15 MS. CONNELL: Objection; vague, calls for a
11:53:44 16 legal conclusion.
11:53:45 17 THE WITNESS: I don't -- I don't understand
11:53:47 18 the question.
11:53:47 19 BY MS. BREMER:
11:53:47 20 Q. Okay. You talked about pulling data that
11:53:52 21 was provided to your attorneys regarding
11:53:55 22 compensation, correct, regarding employee
11:53:57 23 compensation?
11:53:57 24 A. Yes.
11:53:58 25 Q. Okay. Did you also -- did your group also

11:54:01 1 conduct an analysis of the data regarding employee
11:54:08 2 compensation?
11:54:09 3 MS. CONNELL: Objection; vague, calls for a
11:54:14 4 legal conclusion.
11:54:15 5 THE WITNESS: Yeah, the only thing -- the
11:54:17 6 only -- I -- the -- all analyses were done under
11:54:21 7 attorney-client work product, as directed by our
11:54:21 8 attorneys.
11:54:21 9 BY MS. BREMER:
11:54:24 10 Q. Okay. But who -- who did the analyses?
11:54:27 11 That's what I'm asking.
11:54:29 12 MS. CONNELL: Objection; vague, also calls
11:54:32 13 for speculation.
11:54:32 14 THE WITNESS: Yeah, I can't --
11:54:34 15 MS. CONNELL: It's also getting very close
11:54:36 16 to intruding on the attorney-client privilege.
11:54:38 17 THE WITNESS: Yeah, I don't know who did
11:54:40 18 the analysis once they got the information, any
11:54:43 19 additional analysis. Some of our -- some of the
11:54:46 20 analysis was done under attorney-client work product,
11:54:50 21 but they also had other data, you know, and I don't
11:54:53 22 know who -- who else did the analysis.
11:54:55 23 BY MS. BREMER:
11:54:55 24 Q. Okay. When you say "who else did the
11:54:58 25 analysis," did you -- did your team do an analysis of

11:55:02 1 compensation data under the -- Oracle's Affirmative
11:55:12 2 Action Plan?
11:55:12 3 MS. CONNELL: Objection; calls for a legal
11:55:14 4 conclusion.
11:55:15 5 THE WITNESS: For --
11:55:20 6 MS. CONNELL: And asked and answered.
11:55:21 7 THE WITNESS: -- I can't talk about the
11:55:23 8 analysis that goes forth with our attorneys.
11:55:25 9 BY MS. BREMER:
11:55:26 10 Q. I'm not asking you to describe the analysis
11:55:28 11 that you did. I'm asking if your group was the one
11:55:32 12 who -- if your group actually did an analysis or just
11:55:35 13 provided data to the attorneys?
11:55:37 14 A. In order to comply with our -- our
11:55:40 15 requirements under Executive Order 11246, that
11:55:46 16 analysis is what I described to you as far as
11:55:49 17 starting with the equity analysis where the -- when
11:55:52 18 the person comes in to Oracle that's done by the
11:55:56 19 manager.
11:55:57 20 And because of these small work groups,
11:56:00 21 you've got to understand that we have thousands of
11:56:03 22 products, and you can have people with the same
11:56:05 23 title; you can have many people and they're all doing
11:56:09 24 different things. So everything's got to really --
11:56:12 25 to really be looked at for any kind of equity, it's

11:56:17 1 got to be done at that very small level because of
11:56:21 2 the nature of the technology industry.
11:56:24 3 And so when they come in, that manager
11:56:24 4 takes a look at their work group, together with
11:56:24 5 human -- you know, with assistance that they
11:56:30 6 requested from the HR business partner or the
11:56:32 7 HR representative, and they take a look at pay equity
11:56:36 8 within their group. That's -- that's when they come
11:56:38 9 in.
11:56:38 10 Then when we have the focal review, it's up
11:56:42 11 to the manager to do the same thing in the
11:56:44 12 distribution of any increases that are made. They do
11:56:47 13 that same assessment. They may or may not ask for
11:56:51 14 help, you know, from their HR person, they may not.
11:56:56 15 And then the same thing goes for stock equity, or,
11:57:01 16 you know, that type of thing, or any kind of
11:57:04 17 incentives or anything like that. That's very much,
11:57:09 18 you know, decentralized, and it's -- it's -- we're a
11:57:12 19 highly matrixed organization with a lot of different
11:57:16 20 managers and a lot of different people that have the
11:57:18 21 same job title doing completely different things.
11:57:21 22 And so it would be impossible for my group
11:57:24 23 to look at that small granular level of analysis, so
11:57:29 24 we have to trust that our managers are doing their
11:57:33 25 job.

11:57:33 1 Q. Okay. My -- yeah.
11:57:50 2 Can you repeat my question, please.
11:57:52 3 (Record read.)
11:58:23 4 THE WITNESS: If our attorney directed
11:58:25 5 us -- or did you --
11:58:26 6 MS. CONNELL: I was just going to say,
11:58:28 7 yeah, same objections.
11:58:29 8 THE WITNESS: If our attorneys directed us
11:58:32 9 to do some kind of analysis, we did it under their
11:58:36 10 work product, but we did not do any kind of analysis
11:58:39 11 separate from our -- our attorney requesting that we
11:58:43 12 do it as part of their work product.
11:58:46 13 BY MS. BREMER:
11:58:47 14 Q. So your compliance group only conducted a
11:58:52 15 compensation analysis if specifically directed by
11:59:06 16 Oracle's attorneys?
11:59:07 17 A. Yes.
11:59:08 18 Q. And you said it would be impossible to look
11:59:27 19 at the compensation of employees at a granular level?
11:59:35 20 A. For my team.
11:59:37 21 MS. CONNELL: Objection; mis --
11:59:38 22 BY MS. BREMER:
11:59:39 23 Q. Okay. It would be impossible for your team
11:59:42 24 to look at employee compensation at a granular level?
11:59:46 25 MS. CONNELL: Objection; misstates her

11:59:48 1 testimony.

11:59:49 2 THE WITNESS: To actually conduct the

11:59:50 3 analysis at a granular level, not look at.

11:59:53 4 BY MS. BREMER:

11:59:54 5 Q. Okay. Did your group conduct an analysis

12:00:01 6 of employee compensation at a more high level to

12:00:12 7 ensure compliance with Oracle's affirmative action

12:00:17 8 obligations?

12:00:18 9 A. I've answered that. Any analysis my group

12:00:23 10 did was as directed by our attorney, under

12:00:25 11 attorney-client privilege and work product.

12:00:28 12 Q. And no other analysis was done?

12:00:33 13 A. No, it was all directed by our attorneys,

12:00:36 14 by my group. And, you know, aside from the focal

12:00:39 15 review that I described that's done by managers, and

12:00:43 16 the -- and in addition to the review that's done when

12:00:46 17 they're hired, and then when any stock options are

12:00:51 18 given out or any type of incentive there. All of

12:00:54 19 that from new hire through the whole employment

12:00:57 20 process, it's that analysis is done by managers of

12:01:00 21 their own work group.

12:01:01 22 Q. And that's just done on a

12:01:04 23 work-group-by-work-group basis?

12:01:05 24 A. I don't know what you mean by work group to

12:01:08 25 work group.

12:02:25 1 MS. CONNELL: Objection; asked and
12:02:28 2 answered.
12:02:29 3 THE WITNESS: I would refer to my previous
12:02:32 4 answer.
12:02:35 5 BY MS. BREMER:
12:02:35 6 Q. Okay. Looking at the last page of the AAP,
12:02:42 7 which is page Bates number 5196.
12:02:54 8 A. Let me find it.
12:02:56 9 Okay. I'm having a hard time finding it --
12:02:59 10 Q. It's the very last page of the --
12:03:02 11 A. Of the narrative?
12:03:04 12 Q. The --
12:03:04 13 MR. GARCIA: Whole document.
12:03:06 14 MS. BREMER: The very -- yes, the very last
12:03:08 15 page.
12:03:08 16 THE WITNESS: This one?
12:03:08 17 MR. GARCIA: No.
12:03:08 18 MS. CONNELL: It's double-sided.
12:03:10 19 MR. GARCIA: No, it's double-sided.
12:03:13 20 MS. CONNELL: Flip it. There you go.
12:03:14 21 MS. BREMER: Yes.
12:03:14 22 THE WITNESS: Oh, okay.
12:03:15 23 BY MS. BREMER:
12:03:16 24 Q. Okay. This is Oracle's placement goals in
12:03:19 25 its Affirmative Action Plan. Correct?

12:03:22 1 A. Yes. Or the goals that are sent out, yes.
12:03:25 2 Q. And the placement goals relate to hiring?
12:03:30 3 A. They -- they relate to what the goal
12:03:33 4 placement rate is as far as -- these are -- the
12:03:36 5 desired placement rate is what's listed under goal
12:03:40 6 placement rate. But this -- this reflects areas
12:03:43 7 where there are shortfalls.
12:03:45 8 Q. With -- with respect to hiring?
12:03:47 9 A. Hiring and promotions.
12:03:49 10 Q. Did Oracle have any goals in its 2014
12:03:59 11 Affirmative Action Plan related to compensation?
12:04:02 12 MS. CONNELL: Objection; the document
12:04:04 13 speaks for itself.
12:04:05 14 THE WITNESS: Yeah, I -- I'm not aware of
12:04:07 15 any -- anything like that. The document would speak
12:04:10 16 for itself, yeah.
12:04:12 17 BY MS. BREMER:
12:04:12 18 Q. Did Oracle have any goals in any its
12:04:16 19 affirmative action plans between 2013 and the present
12:04:19 20 related to compensation?
12:04:23 21 MS. CONNELL: Objection; the document
12:04:25 22 speaks for themselves.
12:04:26 23 You can answer.
12:04:27 24 THE WITNESS: I'm not aware of any -- any
12:04:29 25 goals for compensation that would be in the

12:04:32 1 Affirmative Action Plan.

12:04:45 2 MS. CONNELL: Laura, we've been going about

12:04:47 3 an hour, so maybe whenever you're at a breaking

12:04:51 4 point, we could consider lunch. Just let us know,

12:04:56 5 so --

12:04:57 6 MS. BREMER: Okay. Yes, we can go off the

12:04:58 7 record.

12:04:59 8 THE VIDEOGRAPHER: The time is --

12:05:01 9 THE WITNESS: She's going, "Thank God."

12:05:03 10 THE VIDEOGRAPHER: The time is 12:05 p.m.

12:05:06 11 We are off the record.

12:05:08 12 (Recessed from 12:05 p.m. until 1:05 p.m.)

13:05:19 13 THE VIDEOGRAPHER: The time is 1:05 p.m.

13:05:48 14 We are on the record.

13:05:49 15 BY MS. BREMER:

13:05:50 16 Q. Shauna, you understand you're still under

13:05:52 17 oath. Correct?

13:05:52 18 A. Yes.

13:05:53 19 Q. Okay. Before the break you talked about

13:05:57 20 training managers received regarding focal reviews.

13:06:01 21 Correct?

13:06:01 22 A. I talked about the training managers

13:06:04 23 received as far as compensation and what -- what

13:06:07 24 needs to be covered in that.

13:06:08 25 Q. Okay. And did the compensation training

13:10:31 1 THE WITNESS: Yeah, I would not know for
13:10:33 2 certain what they've been instructed to, because
13:10:36 3 Oracle's so big, we have thousands of managers. So
13:10:40 4 the only thing -- what I'm aware of -- I can only
13:10:43 5 speak to what I'm aware of, and that's this document.
13:10:46 6 BY MS. BREMER:
13:10:46 7 Q. Are you aware of any instructions that have
13:10:48 8 been given to Oracle managers regarding ensuring pay
13:10:56 9 equity other than the slide that's contained in the
13:11:00 10 PowerPoint that you've mentioned?
13:11:03 11 MS. CONNELL: Objection; asked and answered
13:11:05 12 and calls for speculation.
13:11:07 13 THE WITNESS: Yeah, I don't know exactly
13:11:09 14 what documents have been supplied to managers outside
13:11:12 15 of that training.
13:11:14 16 BY MS. BREMER:
13:11:14 17 Q. Do you know if the training is required by
13:11:16 18 managers?
13:11:20 19 A. I would -- I would hope so. It's available
13:11:23 20 to them.
13:11:23 21 Q. But you don't --
13:11:24 22 A. I don't know, because I don't oversee the
13:11:26 23 training program, so I can't tell you, you know,
13:11:30 24 what's required and what's not with regard to that.
13:11:32 25 I know I've seen -- seen it. I'm a manager. But I

13:11:35 1 can only speak for myself. But as far as reviewing
13:11:38 2 the document, the PowerPoint slide that provides the
13:11:42 3 information on that, I can't speak for other -- other
13:11:44 4 managers or work groups.
13:11:46 5 Q. And your compliance group does nothing to
13:11:52 6 ensure that managers take pay equity into account in
13:11:55 7 studying compensation?
13:11:56 8 MS. CONNELL: Objection; misstates her
13:11:58 9 testimony.
13:11:58 10 THE WITNESS: I think my group does not
13:12:01 11 oversee. And I think we talked about this before --
13:12:03 12 before lunch, but all of that is delegated out to the
13:12:08 13 managers. They are responsible for the compensation
13:12:11 14 in their own work group. There are -- they determine
13:12:16 15 what equity is available in their work group, and --
13:12:23 16 my -- my group does not interact with them
13:12:26 17 individually on compensation issues.
13:12:31 18 BY MS. BREMER:
13:12:33 19 Q. Why did your group start conducting a
13:12:39 20 second-level review of promotion, hiring, and
13:12:43 21 termination decisions in 2017?
13:12:46 22 A. Well, we wanted to do a better -- you know,
13:12:48 23 we wanted to really -- we -- in all honesty, we took
13:12:53 24 our cue from the OFCCP. You know, in going through
13:12:55 25 all of these audits, we wanted to do a second-level

13:13:01 1 review with this, and create a better work product or
13:13:04 2 something a little bit more inclusive in our work
13:13:07 3 product, as far as a second review. No other reason
13:13:11 4 other than that. So I think that, you know, that's a
13:13:18 5 good job to you, so --
13:13:20 6 Q. Did -- did Oracle retain the compensation
13:13:31 7 analyses that Oracle's compensation group sent to
13:13:35 8 Oracle's attorneys?
13:13:37 9 MS. CONNELL: Objection; assumes facts --
13:13:37 10 THE WITNESS: I don't --
13:13:38 11 MS. CONNELL: -- misstates her testimony.
13:13:40 12 THE WITNESS: Yeah, I don't know what
13:13:42 13 Oracle's compensation group sent to Oracle's
13:13:46 14 attorneys.
13:13:46 15 BY MS. BREMER:
13:13:46 16 Q. I'm sorry. I'm sorry. Let me -- I
13:13:49 17 don't -- let me reread the question.
13:13:54 18 Did -- did Oracle retain the analyses --
13:14:01 19 the compensation analyses that Oracle's compliance
13:14:04 20 group sent to Oracle's attorneys?
13:14:07 21 MS. CONNELL: Objection; asked and
13:14:08 22 answered.
13:14:08 23 THE WITNESS: All that is sent -- I believe
13:14:11 24 I answered this before; I can't attest to anything
13:14:16 25 that was kept or not kept prior to the lawsuit

13:14:19 1 starting, and we had the litigation hold put on. Any
13:14:24 2 other analysis that we've done since then under
13:14:27 3 attorney-client work product that's privileged, we
13:14:30 4 have -- we've kept every record with regard to
13:14:33 5 anything.
13:14:33 6 BY MS. BREMER:
13:14:33 7 Q. And the compensation analyses that you --
13:14:38 8 that your group conducted, were reflected in
13:14:43 9 documents. Correct?
13:14:45 10 MS. CONNELL: Objection; vague.
13:14:46 11 THE WITNESS: I don't know what you mean by
13:14:48 12 "documents."
13:14:48 13 BY MS. BREMER:
13:14:48 14 Q. When you say that you sent compensation
13:14:51 15 analyses to Oracle's attorneys, were those documents
13:14:56 16 that you sent to Oracle's attorneys?
13:14:58 17 A. In some instances. Yes, I mean, we would
13:15:06 18 send data to them.
13:15:08 19 Q. And also analyses that were documented?
13:15:13 20 A. Yes.
13:15:15 21 MS. CONNELL: Objection; vague.
13:15:17 22 THE WITNESS: Yeah, I mean, well, some. We
13:15:19 23 would send some documents and some that -- with
13:15:23 24 regard to analysis and some just data.
13:15:26 25 BY MS. BREMER:

13:15:26 1 Q. Okay. Did you receive a copy of the Notice
13:15:40 2 of Violation that OFCCP sent to Oracle in March of
13:15:44 3 2016?
13:15:44 4 A. Yes.
13:15:47 5 Q. Okay. Looking back at Exhibit 19.
13:16:01 6 A. Do we have that one? Is that this? Is it
13:16:04 7 something you've already given us?
13:16:06 8 Q. Yes. It's the Declaration of Shauna
13:16:10 9 Holman-Harries in Support of Defendant's Motion for
13:16:12 10 Summary Judgment.
13:16:13 11 MS. CONNELL: That one.
13:16:14 12 THE WITNESS: That one. Okay.
13:16:15 13 All right.
13:16:17 14 BY MS. BREMER:
13:16:18 15 Q. And looking at Exhibit E --
13:16:22 16 A. E?
13:16:23 17 Q. -- to your declaration.
13:16:25 18 Yes.
13:16:27 19 A. All right.
13:16:28 20 Q. Do you recognize this document as a copy --
13:16:36 21 a true and correct copy of the Notice of Violation
13:16:40 22 that you received from OFCCP on or about March 11th,
13:16:46 23 2016?
13:16:47 24 A. I haven't seen this document for quite some
13:16:50 25 time, so I -- I can't for certain say that it's the

13:16:54 1 document, I could, you know, trust that it would be.
13:17:00 2 Q. There's no reason for you to believe that
13:17:02 3 that's not the Notice of Violation?
13:17:04 4 A. Correct.
13:17:04 5 Q. What was your involvement in responding to
13:17:11 6 OFCCP's March 11, 2016, Notice of Violation?
13:17:17 7 MS. CONNELL: Objection; lacks foundation,
13:17:19 8 assumes facts.
13:17:24 9 THE WITNESS: I -- I -- I -- all that --
13:17:26 10 that went to our -- once we got the NOV everything
13:17:30 11 went to our attorneys.
13:17:36 12 BY MS. BREMER:
13:17:37 13 Q. Did -- if you look at page 10 out of 12 of
13:17:46 14 the NOV.
13:17:54 15 A. I've got to find it.
13:17:54 16 Okay. 10 of 12?
13:17:56 17 Q. Yes.
13:17:57 18 A. There's a bunch in here. I think I've got
13:18:02 19 it.
13:18:02 20 Okay.
13:18:02 21 Q. You see there's an analysis of employees'
13:18:06 22 annual salary and gender?
13:18:08 23 A. Yeah.
13:18:09 24 Q. Okay. Did -- did Oracle attempt to
13:18:13 25 replicate the statistical analysis OFCCP described in

13:18:20 1 Attachment A here?
13:18:22 2 A. I can't speak to that, because all
13:18:27 3 analysis, once we got the NOV, it was handled by our
13:18:31 4 outside counsel. We -- so I can't speak to what --
13:18:35 5 what happened at that point.
13:18:36 6 Q. But your group did not attempt to replicate
13:18:43 7 the statistical analysis that was in the NOV?
13:18:46 8 A. No.
13:18:46 9 Q. And did your group conduct any statistical
13:18:54 10 analyses between March 16th, 2016 and January 2017 --
13:19:04 11 MS. CONNELL: Counsel -- sorry, go ahead.
13:19:07 12 BY MS. BREMER:
13:19:08 13 Q. -- in connection with the audit of Oracle's
13:19:11 14 headquarters?
13:19:12 15 MS. CONNELL: Counsel the witness not to
13:19:14 16 disclose the content of any attorney-client privilege
13:19:17 17 or attorney work product communications or analyses.
13:19:20 18 THE WITNESS: Okay. And I'm looking at the
13:19:22 19 date -- what was the date of the NOV?
13:19:24 20 BY MS. BREMER:
13:19:24 21 Q. March 11th, 2016.
13:19:27 22 A. We did not do anything after the -- provide
13:19:34 23 the lawyers with any kind of analysis as their work
13:19:36 24 product, after we have received the Notice of
13:19:41 25 Violation.

13:41:54 1 knowledge of what transpired between our legal
13:41:57 2 counsel and Oracle's law -- you know, Juana Sherman
13:42:02 3 and -- and the OFCCP beyond that point.
13:42:12 4 MS. BREMER: Okay. Are we on 20?
13:42:33 5 THE REPORTER: We are on 22.
13:42:34 6 MS. BREMER: 22. Okay. I'd like to mark
13:42:37 7 as Exhibit 22, an e-mail from Hoan Luong to Shauna
13:42:44 8 Holman-Harries, dated November 20th, 2014, with an
13:42:50 9 attachment, and it's Bates numbered ORACLE_HQCA 5203
13:42:57 10 through 5206.
13:43:08 11 (Marked for identification Exhibit 22.)
13:43:08 12 THE WITNESS: Thank you.
13:43:20 13 BY MS. BREMER:
13:43:20 14 Q. Did you receive this e-mail on or about
13:43:24 15 November 20th, 2014?
13:43:26 16 A. Yes.
13:43:26 17 Q. And the letter -- you also received the
13:43:33 18 attached letter dated November 19th, 2014?
13:43:38 19 A. I believe so.
13:43:47 20 Q. And with this e-mail, OFCCP was requesting
13:43:50 21 additional information to evaluate Oracle's
13:43:53 22 compensation practices. Correct?
13:43:55 23 MS. CONNELL: Objection; the document
13:43:56 24 speaks for itself.
13:43:57 25 THE WITNESS: According to the document,

14:25:47 1 supervisor, but by the review process that we started
14:25:52 2 looking at internal pay equity within these work
14:25:56 3 groups when employees first start with the company
14:25:58 4 and the manager determines an equitable pay amount
14:26:03 5 through the focal review, where employees can receive
14:26:08 6 increases through any kind of bonus allocation and --
14:26:13 7 and any other kind of incentive allocation, like
14:26:17 8 stocks. I would -- I would hope that -- that
14:26:23 9 managers would follow that. But that would be
14:26:27 10 determined -- be determined by that.
14:26:33 11 BY MS. BREMER:
14:26:33 12 Q. Okay. So Oracle's -- so are you saying
14:26:42 13 that individual managers -- that Oracle relied on
14:26:50 14 individual managers to ensure that employees were
14:26:53 15 paid in a fair and nondiscriminatory manner?
14:26:57 16 A. I'm telling you -- I'm not saying that; I'm
14:27:00 17 saying that it's the manager's responsibility to
14:27:03 18 review all compensation within -- within their work
14:27:09 19 groups with regard to pay equity.
14:27:11 20 Q. So it's the manager's responsibility to
14:27:22 21 review compensation within their work groups to
14:27:26 22 ensure pay equity?
14:27:27 23 A. I'm saying it kind of in a different way
14:27:32 24 than you're saying it. I'm saying that managers
14:27:36 25 determine -- look at pay equity within their work

14:27:40 1 group, and they determine pay. Now, I -- I don't
14:27:44 2 know what other responsibilities are other than
14:27:49 3 that -- I don't know if "responsibility" is the right
14:27:51 4 word -- but that's one of their -- one of the areas
14:27:54 5 that managers do.
14:27:55 6 Q. So you're saying that managers would do two
14:27:58 7 things: They would look at equity within their work
14:28:02 8 group and they would determine pay?
14:28:03 9 A. Yes, that's my understanding.
14:28:05 10 Q. So they weren't necessarily responsible for
14:28:10 11 ensuring equity when they determined pay?
14:28:14 12 MS. CONNELL: Objection; calls for
14:28:16 13 speculation. Calls for a legal conclusion.
14:28:18 14 THE WITNESS: Yeah, you would have to look
14:28:19 15 at that slide again on the pay training. I would
14:28:23 16 refer you to that slide, and that will give you
14:28:26 17 exactly the information and verbiage with regard to
14:28:30 18 managers and their responsibility towards pay.
14:28:32 19 BY MS. BREMER:
14:28:32 20 Q. Okay. And what did your -- what did
14:28:39 21 Oracle's compliance group do to ensure that employees
14:28:45 22 were paid in a fair and nondiscriminatory manner?
14:28:48 23 MS. CONNELL: Objection; assumes facts,
14:28:50 24 lacks foundation.
14:28:51 25 THE WITNESS: It's not our -- it's not part

14:28:56 1 of my team's responsibility to -- to assess pay in
14:29:01 2 all of these small groups. My team -- any kind of
14:29:07 3 pay analysis by my team was done under
14:29:12 4 attorney-client work product, and was submitted to
14:29:15 5 our attorneys as part of their work product and as
14:29:18 6 part of privileged information, you know, in the
14:29:22 7 assessment of pay.
14:29:24 8 BY MS. BREMER:
14:29:24 9 Q. Was it a part of your team's responsibility
14:29:27 10 to assess pay in large groups, large employee groups?
14:29:33 11 MS. CONNELL: Objection; vague.
14:29:35 12 THE WITNESS: Any -- any -- any -- any
14:29:41 13 analysis that we did was done under attorney-client
14:29:45 14 work product. I -- I can tell you that --
14:29:49 15 MS. CONNELL: Well, I'm going to instruct
14:29:51 16 you not to answer --
14:29:52 17 THE WITNESS: Okay.
14:29:54 18 MS. CONNELL: -- as to the --
14:29:54 19 THE WITNESS: Okay.
14:29:55 20 MS. CONNELL: -- specifics of any --
14:29:55 21 THE WITNESS: Okay. I'm sorry.
14:29:57 22 MS. CONNELL: -- privileged analysis --
14:29:57 23 THE WITNESS: Privileged.
14:29:57 24 MS. CONNELL: -- that you conducted.
14:29:58 25 THE WITNESS: Yeah, we just -- everything

14:30:01 1 was under attorney-client work product.
14:30:08 2 BY MS. BREMER:
14:30:08 3 Q. And how did you determine that everything
14:30:10 4 that you did to ensure that Oracle's employees'
14:30:15 5 compensation was fair and nondiscriminatory was done
14:30:19 6 under attorney work product?
14:30:22 7 MS. CONNELL: Objection; misstates her
14:30:24 8 testimony, lacks foundation, and calls for a legal
14:30:26 9 conclusion.
14:30:35 10 THE WITNESS: Could you be a little
14:30:36 11 clearer?
14:30:36 12 BY MS. BREMER:
14:30:36 13 Q. What's the basis for you saying that
14:30:39 14 everything that you did -- that your group did to
14:30:41 15 ensure that employees were paid in a fair and
14:30:44 16 nondiscriminatory manner was done under attorney work
14:30:48 17 product?
14:30:49 18 MS. CONNELL: Same objections; misstates
14:30:51 19 her testimony, lacks foundation, calls for a legal
14:30:55 20 conclusion.
14:30:56 21 THE WITNESS: Any kind of analysis that we
14:30:58 22 did with regard to pay was requested by attorneys as
14:31:01 23 part of their work product and under attorney-client
14:31:05 24 privilege.
14:31:05 25 BY MS. BREMER:

14:31:05 1 Q. And your group did not do any review or
14:31:11 2 analysis of compensation unless it was specifically
14:31:16 3 requested by Oracle's attorneys?
14:31:18 4 A. Correct.
14:31:19 5 MS. CONNELL: Objection; asked and
14:31:21 6 answered.
14:31:21 7 THE WITNESS: Yes, you're correct.
14:31:23 8 BY MS. BREMER:
14:31:25 9 Q. When you talked about the managers looking
14:31:32 10 at equity in their work groups, what work groups are
14:31:37 11 you talking about?
14:31:38 12 A. Any work group. I mean, within that
14:31:42 13 manager's -- people that report to them.
14:31:45 14 Q. So you're talking about the employees that
14:31:47 15 a particular supervisor would supervise?
14:31:50 16 A. Yes.
14:32:06 17 Q. The Compensation Review and Oversight
14:32:09 18 document that you provided to OFCCP says that "A new
14:32:12 19 hire salary is reviewed at hire to ensure that they
14:32:18 20 are being placed at the right job level and salary
14:32:21 21 based on their experience and skills."
14:32:24 22 Who does that?
14:32:25 23 A. Who decides what pay a new hire comes in
14:32:31 24 at? Is that what you're asking?
14:32:34 25 Q. Who does -- right. It says -- who reviews

14:39:14 1 Q. So would Exhibit 27 have been the
14:39:18 2 compensation guidelines that you sent to OFCCP?
14:39:22 3 MS. CONNELL: Objection; calls for
14:39:23 4 speculation, asked and answered.
14:39:25 5 THE WITNESS: Yeah, I believe so. Based
14:39:27 6 off of -- it appears like something that I would have
14:39:31 7 sent to them.
14:39:34 8 BY MS. BREMER:
14:39:43 9 Q. And do you recall where you -- if you got
14:39:47 10 this from Oracle's intranet or someplace else?
14:39:52 11 A. I -- I don't recall where I got it. I may
14:39:54 12 have even gotten it from the compensation folks, you
14:39:58 13 know, in asking them to provide the attachment. It's
14:40:01 14 been five years, so -- or almost five years, so I
14:40:06 15 don't recall.
14:40:06 16 Q. Okay. If you look at the section on
14:40:13 17 page -- on the first page, under "salary increases."
14:40:17 18 A. Uh-huh.
14:40:17 19 Q. It says, "Salary increases are offered at
14:40:21 20 the discretion of your manager."
14:40:23 21 Do you see that?
14:40:24 22 A. Yes.
14:40:25 23 Q. Are salary increases at Oracle solely at
14:40:35 24 the discretion of managers?
14:40:38 25 MS. CONNELL: Objection; calls for

14:40:40 1 speculation.

14:40:40 2 THE WITNESS: I don't know.

14:40:43 3 BY MS. BREMER:

14:40:43 4 Q. Okay. You don't know -- and -- and you --

14:40:52 5 do you have any involvement or your group have any

14:40:55 6 involvement in providing advice as to which employees

14:41:01 7 should receive salary increases?

14:41:04 8 A. No.

14:41:04 9 Q. Does your group do anything to ensure that

14:41:11 10 Oracle employees receive salary increases in a

14:41:18 11 nondiscriminatory manner?

14:41:21 12 MS. CONNELL: Objection; asked and

14:41:23 13 answered.

14:41:24 14 THE WITNESS: That was answered in the

14:41:26 15 question in my description of the process, the full

14:41:29 16 compensation equity analysis that occurs from hire,

14:41:34 17 you know, through established employee, through stock

14:41:36 18 options, and through any incentives like bonus.

14:41:40 19 BY MS. BREMER:

14:41:40 20 Q. And the com -- the compliance team doesn't

14:41:53 21 have any involvement in setting the budget for salary

14:41:59 22 increases?

14:42:01 23 A. None.

14:42:02 24 Q. Does the compliance team conduct any

14:42:08 25 compensation analyses for the -- for either the

14:42:15 1 executive vice presidents or senior vice presidents
14:42:22 2 who are setting the budgets?
14:42:23 3 A. No.
14:42:25 4 Q. Does the compliance team conduct any
14:42:33 5 compensation analyses for the managers who are
14:42:37 6 distributing pay?
14:42:40 7 A. No.
14:42:40 8 Q. Okay. Under -- on the next page there's a
14:43:01 9 section on global corporate bonus.
14:43:05 10 A. Okay. I've got to find it.
14:43:07 11 Okay. Yes.
14:43:08 12 Q. It says, "Bonuses are discretionary." Who
14:43:12 13 determines if Oracle will award bonuses each year?
14:43:16 14 MS. CONNELL: Objection; lacks foundation,
14:43:17 15 assumes facts, and calls for speculation.
14:43:19 16 THE WITNESS: Somebody higher than my pay
14:43:27 17 grade determines if there is going to be a bonus -- a
14:43:34 18 bonus for the year, but it's the manager that
14:43:37 19 determines who gets the bonus.
14:43:37 20 BY MS. BREMER:
14:43:39 21 Q. Okay. Who -- do you know who higher than
14:43:41 22 your pay grade decides if bonuses will be awarded?
14:43:45 23 A. I don't know all the people that are
14:43:46 24 involved, no.
14:43:47 25 Q. But do you know some of them?

14:58:39 1 MS. BREMER: Okay. I would like to mark as
14:58:42 2 Exhibit 29, a series of e-mails dated February 17th,
14:58:48 3 2015 through February 26th, 2015, between Shauna
14:58:56 4 Holman-Harries and Hoan Luong, with an attachment
14:58:59 5 entitled "Oracle Global Compensation Training."
15:00:05 6 Oh, is that it? Yes.
15:00:24 7 (Marked for identification Exhibit 29.)
15:00:24 8 THE WITNESS: Thank you.
15:00:36 9 BY MS. BREMER:
15:00:37 10 Q. Is Exhibit 29 a true and correct copy of
15:00:40 11 e-mails between you and Hoan Luong of OFCCP between
15:00:44 12 February 17th, 2015 and February 26th, 2015?
15:00:49 13 A. Yes.
15:00:49 14 Q. And the e-mail at the top, dated February
15:00:57 15 26, 2015, indicates that it's got an attachment,
15:01:01 16 "Global Compensation Training-2011 Managing Pay Final
15:01:09 17 PowerPoint."
15:01:09 18 A. Yes.
15:01:10 19 Q. Is the Global Compensation Training
15:01:14 20 Managing Pay module, which is Bates stamped
15:01:19 21 ORACLE_HQCA 407, a true and correct copy of the
15:01:26 22 global compensation training that you provided to
15:01:30 23 OFCCP, along with the notes to that PowerPoint?
15:01:34 24 A. I believe so.
15:01:35 25 Q. Did you have any involvement in preparing

15:05:59 1 Q. -- indicate in the second paragraph,
15:06:01 2 "Internal equity is considering how much you pay your
15:06:04 3 employees relative to another."
15:06:07 4 A. Uh-huh.
15:06:07 5 Q. The guidance that managers at Oracle were
15:06:20 6 provided concerning equity did not provide guidance
15:06:26 7 regarding gender equity or nondiscrimination based on
15:06:34 8 gender or race. Right?
15:06:35 9 MS. CONNELL: Objection; misstates the
15:06:37 10 document.
15:06:37 11 THE WITNESS: Yeah, the document states
15:06:39 12 that it says nondiscriminatory criteria.
15:06:45 13 BY MS. BREMER:
15:06:46 14 Q. But there's so -- there's no discussions of
15:06:50 15 the protect categories. Right?
15:06:53 16 MS. CONNELL: Objection; the document
15:06:54 17 speaks for itself.
15:06:55 18 THE WITNESS: Yeah, it talks about every
15:06:58 19 discriminatory area. It speaks for itself, I agree.
15:07:01 20 Non -- nondiscriminatory criteria, I would -- in my
15:07:05 21 mind, would encompass any area that a person could be
15:07:09 22 discriminated against on.
15:07:46 23 MS. BREMER: Okay. I'm going to mark as
15:07:47 24 Exhibit 30, a document Bates stamped DOL 1237 through
15:08:02 25 1240. It's a letter, dated April 27th, 2015 from Hea

15:08:13 1 Jung Atkins of OFCCP to Shauna Holman-Harries.
15:08:13 2 (Marked for identification Exhibit 30.)
15:08:40 3 THE WITNESS: Thank you.
15:08:42 4 Here you go.
15:08:42 5 MS. CONNELL: Thanks.
15:08:46 6 BY MS. BREMER:
15:08:55 7 Q. Is this a true and correct copy of the
15:08:57 8 letter that you received from Hea Jung Atkins of
15:09:01 9 OFCCP on or about April 27th, 2015?
15:09:05 10 A. I believe it is, yes.
15:09:06 11 Q. And OFCCP was requesting additional
15:09:13 12 information from Oracle. Correct?
15:09:16 13 A. Yes.
15:09:17 14 Q. And that was part of its compliance audit
15:09:24 15 it was doing at HQCA?
15:09:33 16 A. Yes.
15:09:34 17 Q. And did you understand OFCCP to be
15:09:36 18 requesting the history of jobs and salary history for
15:09:41 19 Oracle employees?
15:09:42 20 MS. CONNELL: Objection, the document
15:09:44 21 speaks for itself, and calls for speculation.
15:09:46 22 THE WITNESS: Which item are you referring?
15:09:50 23 BY MS. BREMER:
15:09:50 24 Q. Item 2.
15:09:51 25 A. 2, okay.

15:09:56 1 Yes.
15:09:56 2 Q. And in item 7, OFCCP was also requesting
15:10:09 3 that the compensation database for 2014 be
15:10:13 4 resubmitted so that it included additional data.
15:10:18 5 Right?
15:10:18 6 A. Correct.
15:10:18 7 MS. CONNELL: Objection; the document
15:10:20 8 speaks for itself.
15:10:21 9 BY MS. BREMER:
15:10:22 10 Q. Including data for educational background.
15:10:26 11 Right?
15:10:26 12 A. Yes.
15:10:27 13 MS. CONNELL: Objection; the document
15:10:28 14 speaks for itself.
15:10:36 15 MS. BREMER: Okay. I'm going to mark as
15:10:46 16 Exhibit 31, a document Bates numbered ORACLE_HQCA 34.
15:10:57 17 It's an e-mail from Shauna Holman-Harries to Hea Jung
15:11:04 18 Atkins, dated June 2nd, 2015.
15:11:04 19 (Marked for identification Exhibit 34.)
15:11:48 20 THE WITNESS: Thank you again, ma'am.
15:11:51 21 THE REPORTER: Yes.
15:11:53 22 BY MS. BREMER:
15:11:56 23 Q. Is Exhibit 31 a true and correct copy of an
15:11:59 24 e-mail that you sent to Hea Jung Atkins of OFCCP on
15:12:04 25 or about June 2nd, 2015?

15:12:05 1 A. I believe it is, yes.
15:12:08 2 Q. And this e-mail responded to OFCCP's
15:12:12 3 request number 3 in the April 27th, 2015, letter that
15:12:17 4 we just reviewed, which was Exhibit --
15:12:20 5 A. Okay.
15:12:20 6 Q. -- 30. Right?
15:12:22 7 A. Yes.
15:12:22 8 Q. And looking back at Exhibit 30, it
15:12:40 9 requested the dates of internal pay equity analyses
15:12:50 10 conducted during the past three years, as required
15:12:54 11 under 60-2.17, and then it includes specific
15:13:00 12 information for each analysis, to include the dataset
15:13:06 13 used for the analysis, and the action taken, if any,
15:13:09 14 as a result of the analysis.
15:13:10 15 Do you see that?
15:13:11 16 A. And which item?
15:13:13 17 Q. Item 3 in the April 27th, 2015 letter?
15:13:17 18 A. Yes.
15:13:18 19 Q. Okay. So then in Exhibit 31, it states at
15:13:33 20 the bottom of the first paragraph, "Pay equity at
15:13:36 21 Oracle and ensuring fairness and consistency among
15:13:42 22 cohorts is an ongoing process and an integral part of
15:13:46 23 Oracle's evaluation of its compensation system."
15:13:52 24 What did you mean when you said that?
15:13:53 25 A. What I had talked to you before about pay

15:18:17 1 MS. BREMER: Okay. I'm going to mark as
15:18:24 2 Exhibit Number 32, a document that -- well, it's
15:18:42 3 Bates numbered DOL 575 through 593, and the date at
15:18:52 4 the top is January 9th, 2015, and it lists Oracle
15:19:00 5 participants as Lisa Gordon, Neil Bourque, Lida
15:19:05 6 Daniel, and Shauna Holman-Harries.
15:19:05 7 (Marked for identification Exhibit 32.)
15:19:19 8 THE WITNESS: Thank you.
15:19:29 9 BY MS. BREMER:
15:19:31 10 Q. Is this the Lisa Gordon interview that you
15:19:34 11 were referencing in your June 2nd, 2015 e-mail?
15:19:42 12 MS. CONNELL: Objection; mis -- assumes
15:19:45 13 facts, lacks foundation, and misrepresents the
15:19:47 14 document.
15:20:06 15 THE WITNESS: Yes.
15:20:06 16 BY MS. BREMER:
15:20:06 17 Q. Is that -- is this a true and correct copy
15:20:11 18 of the Lisa Gordon interview that you were
15:20:15 19 referencing in your June 2nd, 2015 e-mail?
15:20:24 20 MS. CONNELL: Objection; lacks foundation.
15:20:28 21 THE WITNESS: June -- I'm trying to find
15:20:30 22 that.
15:20:30 23 MS. CONNELL: These appear to be OFCCP's
15:20:33 24 notes of the interview.
15:20:34 25 THE WITNESS: Yeah, which -- you're saying

15:20:36 1 June 2nd; which exhibit is that?
15:20:36 2 BY MS. BREMER:
15:20:40 3 Q. That's Exhibit -- Exhibit 31 that we were
15:20:43 4 just looking at.
15:20:45 5 A. That's April 27th. Are you talking about
15:20:49 6 that?
15:20:49 7 Q. No, not the letter. The Exhibit 31 that's
15:20:54 8 the e-mail --
15:20:54 9 A. Yeah.
15:20:56 10 Q. -- at the top?
15:20:56 11 A. You said did I reference this in my -- my
15:21:00 12 June 2nd e-mail, so that's why I was confused. I
15:21:03 13 thought that's what --
15:21:06 14 Q. So it says on the June 2nd, 2015 e-mail, it
15:21:11 15 says, "I refer you to the lengthy interview conducted
15:21:14 16 with Lisa Gordon."
15:21:16 17 A. Okay. Where -- which paragraph?
15:21:21 18 Q. There.
15:21:22 19 A. That one.
15:21:22 20 Q. The second sentence.
15:21:23 21 A. Okay. All right. Thank you.
15:21:42 22 Okay. And what was the question that you
15:21:44 23 wanted me to confirm? Is this -- the Lisa Gordon
15:21:48 24 interview, are you asking me if this is the same
15:21:50 25 interview referenced in this April 27th e-mail?

15:21:53 1 Q. Yes. If it's a true and correct copy of
15:21:56 2 the interview that you were referring to in your
15:22:00 3 e-mail to Hea Jung Atkins on June 2nd, 2015?
15:22:08 4 MS. CONNELL: Objection; in that it
15:22:10 5 misstates the document and calls for speculation.
15:22:17 6 THE WITNESS: So you're referring to the
15:22:18 7 first paragraph?
15:22:22 8 MS. CONNELL: She's --
15:22:22 9 BY MS. BREMER:
15:22:24 10 Q. I'm re --
15:22:25 11 MS. CONNELL: Sorry.
15:22:26 12 THE WITNESS: No, I just want to verify
15:22:28 13 that this is what you're -- that in this first
15:22:29 14 paragraph am I referring to this?
15:22:31 15 BY MS. BREMER:
15:22:31 16 Q. Yes.
15:22:32 17 A. Yes.
15:22:32 18 Q. And when you say "this," you're talking
15:22:35 19 about --
15:22:35 20 A. I'm talking about --
15:22:36 21 Q. -- Exhibit 32?
15:22:37 22 A. Yes, Exhibit 32, yes.
15:22:38 23 Q. And that's the interview of Lisa Gordon?
15:22:41 24 A. Yes.
15:22:44 25 MS. CONNELL: Could we go off the record,

15:51:28 1 A. I'd have to refer to the e-mails to be
15:51:31 2 absolutely certain.
15:51:31 3 Q. But it was -- the analysis of pay at Oracle
15:51:34 4 was sent to OFCCP as part of at least the Cambridge,
15:51:38 5 Massachusetts, audit?
15:51:40 6 A. Yes. But I don't know which version. I'd
15:51:43 7 have to go back and look and see what version was
15:51:46 8 submitted. Because it's been revised.
15:51:50 9 Q. So it's either -- either the page -- the
15:51:53 10 first or second page would have been sent?
15:51:55 11 A. I'd have to -- I'd have to look in my
15:51:58 12 records to determine which version was sent and see
15:52:00 13 how many versions there were, because there were
15:52:04 14 several versions.
15:52:05 15 Q. Were there substantive changes to the
15:52:13 16 versions of the analysis of pay at Oracle?
15:52:16 17 MS. CONNELL: Objection; the documents
15:52:18 18 speak for themselves, vague as to substantive.
15:52:21 19 THE WITNESS: I'd have to look at each
15:52:23 20 version to determine that. I don't recall what
15:52:25 21 changes were made.
15:52:36 22 MS. BREMER: Okay. I'd like to mark as
15:52:38 23 Exhibit 33, a red-lined document that is dated
15:52:56 24 January 9th, 2015, continued on January 13th, 2015,
15:53:04 25 with Oracle participants Lisa Gordon, Neil Bourque,

15:53:09 1 Lida Daniel and Shauna Holman-Harries.
15:53:09 2 (Marked for identification Exhibit 33.)
15:53:22 3 THE WITNESS: Thank you.
15:53:31 4 BY MS. BREMER:
15:53:31 5 Q. Okay. After OFCCP --
15:53:35 6 MS. CONNELL: For the record, Counsel, has
15:53:36 7 this been produced?
15:53:38 8 MS. BREMER: I don't believe so.
15:53:44 9 MS. CONNELL: Do you want to lay a
15:53:45 10 foundation for it?
15:53:46 11 MS. BREMER: Well, we're producing -- this
15:53:48 12 is from OFCCP's files. We're producing it now.
15:53:54 13 MS. CONNELL: Why wasn't it produced
15:53:56 14 before?
15:53:56 15 MR. GARCIA: It also wasn't produced to us
15:53:58 16 before either, I'm putting on the record.
15:54:02 17 MS. CONNELL: What is it?
15:54:03 18 MR. GARCIA: This is a document that was
15:54:05 19 sent from Shauna Holman-Harries, laying the
15:54:08 20 foundation, to us, because OFCCP originally sent its
15:54:14 21 interview of Shauna Holman-Harries -- or, correction,
15:54:19 22 Lisa Gordon to Shauna Holman-Harries. Lisa Gordon
15:54:23 23 made edits. Shauna Holman-Harries sent it back to
15:54:27 24 OFCCP. And then OFCCP sent the document at Exhibit
15:54:33 25 32 for Shaun -- for Lisa Gordon to sign. That's the

15:54:37 1 foundation. So we did not receive --
15:54:41 2 MS. CONNELL: Because it's in connection
15:54:42 3 with the Pleasanton audit and this litigation relates
15:54:47 4 to the HQ audit.
15:54:49 5 MR. GARCIA: No, you produced the Lisa
15:54:52 6 Gordon signed interview in this litigation, but not
15:54:55 7 this.
15:54:56 8 THE WITNESS: Yes, this was in regards to
15:54:58 9 the Pleasanton audit, though, yeah.
15:55:00 10 MR. GARCIA: Okay. So you recognize the
15:55:02 11 document?
15:55:03 12 THE WITNESS: I know that -- I don't
15:55:04 13 recognize the document. All I can say is that --
15:55:08 14 that I was kind of like the messenger, the mailman,
15:55:12 15 in that it was sent to me. I didn't read it. I sent
15:55:15 16 it directly over to Lisa, Lisa made changes, and I
15:55:18 17 sent it back.
15:55:19 18 MR. GARCIA: With the changes?
15:55:20 19 THE WITNESS: With -- well, whatever
15:55:21 20 changes she made. She said she made changes.
15:55:24 21 BY MS. BREMER:
15:55:25 22 Q. And Exhibit 33 contains the changes that
15:55:30 23 Lisa Gordon made to her interview statement?
15:55:32 24 MS. CONNELL: Objection; calls for
15:55:34 25 speculation.

15:55:34 1 THE WITNESS: I don't recall. I didn't
15:55:36 2 check what the changes were before she sent it back.
15:55:39 3 BY MS. BREMER:
15:55:39 4 Q. But she did tell you that she made changes
15:55:42 5 to her interview statement?
15:55:44 6 A. Yes.
15:55:44 7 Q. And then you forwarded those changes to
15:55:47 8 OFCCP?
15:55:48 9 A. Yes, as a mailman. But I did not read
15:55:52 10 them.
15:55:52 11 Q. Did you make any changes to Lisa Gordon's
15:55:56 12 interview statement?
15:55:57 13 A. I don't believe so.
15:56:01 14 MS. CONNELL: I'll just object for the
15:56:03 15 record that this wasn't produced prior to her
15:56:05 16 deposition.
15:56:08 17 MR. GARCIA: And we're also noting for the
15:56:10 18 record that it was not produced to us also prior to
15:56:15 19 the deposition, even though Oracle identified the
15:56:23 20 signed Lisa Gordon interview and provided documents
15:56:27 21 related to the signed Lisa Gordon interview prior to
15:56:30 22 the deposition.
15:56:33 23 THE WITNESS: Yeah, these were all her --
15:56:35 24 her edits. I don't recall seeing this.
15:56:38 25 MS. CONNELL: And for the record, we did

15:56:39 1 not produce the Lisa Gordon interview in this
15:56:42 2 litigation except as an attachment to the declaration
15:56:46 3 of Shauna Holman-Harries, because it was a document
15:56:49 4 in the Jewett litigation. This document, 32,
15:56:53 5 document was produced by the Department of Labor to
15:56:56 6 us, yet the Department of Labor did not produce it to
15:56:58 7 us, this version.
15:56:59 8 MR. GARCIA: And for the record -- for the
15:57:00 9 record, the document production request requested all
15:57:03 10 documents related to this. It was used in the Jewett
15:57:07 11 litigation. Also, for the record, Oracle submitted
15:57:14 12 documents to us submitting the Lisa Gordon signed
15:57:19 13 interview communications. So there is no record of
15:57:25 14 Oracle producing to us the document at Exhibit 33,
15:57:30 15 even though it's related to the document production
15:57:33 16 request that OFCCP made to Oracle, and would be
15:57:39 17 responsive thereto.
15:57:41 18 MS. CONNELL: No, you're wrong. But let's
15:57:43 19 continue. My objection stands to producing surprise
15:57:50 20 exhibits to witnesses during depositions that have
15:57:52 21 not been produced before.
15:57:55 22 MR. GARCIA: And I guess we note that
15:57:58 23 Oracle previously had this document in its
15:58:01 24 possession, which you acknowledged.
15:58:04 25 MS. CONNELL: I didn't acknowledge that.

15:58:06 1 BY MS. BREMER:

15:58:07 2 Q. Okay. So as the messenger between OFCCP

15:58:11 3 and Lisa Gordon, you delivered Exhibit 33 to OFCCP.

15:58:22 4 Right?

15:58:22 5 A. Yes. Let me finish looking over it, if you

15:58:27 6 wouldn't mind.

15:58:44 7 Yeah, there would be some edits to my

15:58:47 8 statements, it looks like that I made, but all the

15:58:51 9 other edits were Lisa's.

15:58:53 10 Q. So which edits do you think that you made

15:58:56 11 to Lisa Gordon's interview --

15:58:58 12 A. Oh, I didn't --

15:58:58 13 Q. -- in Exhibit 33?

15:58:59 14 A. -- I didn't make any to her interview.

15:59:02 15 Q. To the -- to the summary of the interview,

15:59:05 16 which is Exhibit 33.

15:59:11 17 A. Just any statement that I made. I didn't,

15:59:15 18 like, pay attention to anything that she said.

15:59:18 19 Q. Okay. So you made --

15:59:40 20 A. Just on the work unit flow.

15:59:43 21 Q. Where -- what page are you looking at?

15:59:44 22 A. On page 3.

15:59:45 23 Q. So on page 3 under work unit throw -- flow?

15:59:54 24 A. I would have -- I think -- I may have, or I

15:59:58 25 may not have, because I usually don't worry about

16:00:02 1 capitalization. I can't recall which ones, but if I
16:00:06 2 did, it would have been just to the work unit flow
16:00:09 3 information. And then there's another reference to
16:00:14 4 it on page 5.
16:00:23 5 Q. On page 5, where it says "Holman-Harries
16:00:28 6 will provide an acronym legend," you think that's an
16:00:32 7 edit that you made?
16:00:39 8 A. (No audible response.)
16:00:39 9 Q. Okay. There's -- there's two colors --
16:00:41 10 A. Yeah, but --
16:00:42 11 Q. -- of edits. Did you make -- are one of
16:00:46 12 these colors yours?
16:00:47 13 A. I know, I was looking at that. But some of
16:00:49 14 the -- some of these edits I would not have made,
16:00:53 15 unless it was in reference to my -- my notes or my --
16:01:00 16 my statement. I wouldn't have paid attention to her
16:01:02 17 statement.
16:01:26 18 Q. Okay. So -- so you and Lisa both made
16:01:33 19 edits to the report or OFCCP's summary of Lisa
16:01:40 20 Gordon's interview, and then you forwarded the edits
16:01:44 21 to OFCCP?
16:01:45 22 MS. CONNELL: Objection; misstates her
16:01:47 23 testimony.
16:01:47 24 THE WITNESS: That misstates. I would have
16:01:50 25 only made edits with regard to my testimony. And I

16:01:54 1 don't recall -- I don't know -- so I wouldn't have
16:02:09 2 said anything about the signing bonus or anything
16:02:11 3 like that. I don't have any knowledge of that.
16:02:14 4 BY MS. BREMER:
16:02:14 5 Q. Okay. So the edits regarding the signing
16:02:19 6 bonus are edits that Lisa Gordon would have made?
16:02:22 7 A. I would think so, yes.
16:02:23 8 Q. Okay. So --
16:02:25 9 A. They would not have been mine.
16:02:26 10 Q. Okay. So my question was you --
16:02:39 11 A. And I don't know if she edited this on two
16:02:42 12 different occasions, but my only -- my only comment
16:02:46 13 would have been, and I don't even know if -- because
16:02:48 14 it's got these things for supervisor and work flow,
16:02:51 15 and there's nothing -- I don't recall any of --
16:02:55 16 editing this at all, actually. I'm just trying to
16:02:59 17 assume, and I can't really testify that, because she
16:03:02 18 even has like things like "HP/IBM sales force and
16:03:07 19 workday"; I wouldn't have that information. And I
16:03:10 20 wouldn't have even read that.
16:03:12 21 MS. CONNELL: I'm going to object to the
16:03:14 22 entire -- you have not laid a foundation for this
16:03:16 23 exhibit. It lacks foundation, hasn't been produced.
16:03:19 24 It's not attached to an e-mail, and this witness has
16:03:22 25 now confirmed that she can't lay a foundation for

16:03:24 1 this document.
16:03:25 2 THE WITNESS: Yeah, and I can't -- and if I
16:03:27 3 look at this, I know there's two different colors,
16:03:30 4 and I know that there's this, but I actually think
16:03:32 5 that she -- you know, I don't recall making edits to
16:03:35 6 this, in all honesty, and I'm just trying to figure
16:03:39 7 out why the two colors of edits, and I don't know
16:03:42 8 why.
16:03:44 9 BY MS. BREMER:
16:03:44 10 Q. But you --
16:03:46 11 A. You know, I don't -- what I'm trying to say
16:03:49 12 is that there's some confusion on my part. I did not
16:03:53 13 look at any of her statements. If I did anything, I
16:03:56 14 would have looked only at my statements. And it
16:04:02 15 looks like this was basically corrected for typos.
16:04:06 16 Q. During the -- during the Pleasanton audit,
16:04:13 17 you attended the Lisa Gordon interview. Correct?
16:04:17 18 A. Yes.
16:04:18 19 Q. And then after that interview, OFCCP
16:04:22 20 provided you with a summary of Lisa Gordon's
16:04:29 21 interview. Correct?
16:04:30 22 A. They sent me one, which I forwarded to her
16:04:33 23 and did not read.
16:04:34 24 Q. Okay. And then she made edits and sent it
16:04:38 25 back to you. Correct?

16:04:38 1 A. Yes. And then I forwarded it on. So even
16:04:41 2 though there's two different colors, these had to be
16:04:46 3 all her edits.
16:04:46 4 Q. Okay.
16:04:47 5 A. Because I do not recall editing this at
16:04:48 6 all --
16:04:48 7 MS. CONNELL: Don't speculate.
16:04:48 8 THE WITNESS: -- but I'm not certain.
16:04:50 9 BY MS. BREMER:
16:04:50 10 Q. And when you say "this," you're talking
16:04:51 11 about Exhibit 33. Correct?
16:04:51 12 A. Yes. I don't recall.
16:04:52 13 Q. Okay. So after you forwarded Lisa Gordon's
16:04:55 14 edits of her -- of the summary of her interview --
16:05:00 15 A. Yeah.
16:05:00 16 Q. -- to OFCCP, did they send back a -- a
16:05:08 17 version of this -- of the summary of the interview
16:05:12 18 that included the edits?
16:05:17 19 A. They sent -- I -- I -- I don't recall.
16:05:20 20 Q. So after you sent Exhibit 33 to OFCCP, did
16:05:26 21 they send back a corrected version of the interview
16:05:32 22 summary?
16:05:33 23 MS. CONNELL: Objection; misstates her
16:05:35 24 testimony. You haven't established that Exhibit
16:05:37 25 33 -- she sent Exhibit 33 anywhere or if she's ever

16:05:41 1 seen it before.
16:05:42 2 THE WITNESS: Yeah. Because I'm -- I'm
16:05:48 3 looking at this, and the more I look at this, these
16:05:51 4 are just data corrections. It's nothing for
16:05:54 5 substance. So I don't know who made the corrections
16:05:58 6 to this. I do know that I didn't even have the
16:06:02 7 information to make some of the corrections to this
16:06:04 8 or even the knowledge. So I don't believe I've even
16:06:08 9 seen this. I just -- I just recall what my original
16:06:23 10 statement was, is that you sent a version to us, I
16:06:28 11 forwarded it to Lisa Gordon, she made the edits, and
16:06:31 12 I forwarded it back to you.
16:06:33 13 BY MS. BREMER:
16:06:33 14 Q. Okay.
16:06:34 15 A. And I do not recall making -- making these
16:06:36 16 edits.
16:06:37 17 Q. Okay. But the final version -- or the
16:06:47 18 version of Lisa Gordon's interview statement that was
16:06:53 19 attached to the Jewett -- to your declaration filed
16:06:59 20 in the Jewett case included these corrections -- the
16:07:05 21 corrections that were from Exhibit 33. Correct?
16:07:09 22 MS. CONNELL: Objection; the document
16:07:10 23 speaks for itself. Are you asking her to go through
16:07:14 24 each edit and confirm if they're reflected in Exhibit
16:07:18 25 A to her declaration?

16:07:22 1 THE WITNESS: I can't, without comparing
16:07:24 2 each item, I can't tell you exactly what edits were
16:07:28 3 made.
16:07:28 4 BY MS. BREMER:
16:07:28 5 Q. Okay. Is it your understanding that the
16:07:35 6 version of the interview statement that -- I'm sorry.
16:07:40 7 Is it your understanding that Lisa Gordon signed the
16:07:45 8 summary of her interview after her edits had been
16:07:51 9 made to it?
16:07:53 10 MS. CONNELL: Objection; assumes facts.
16:07:57 11 THE WITNESS: I don't -- I don't recall
16:08:04 12 when exactly that she -- you know, when she signed
16:08:06 13 it. It's my understanding that -- that she -- that
16:08:13 14 she did sign it sometime after edits were made, but
16:08:18 15 not before.
16:08:19 16 BY MS. BREMER:
16:08:19 17 Q. And after Lisa Gordon signed her
16:08:23 18 interview -- actually, after Lisa Gordon signed the
16:08:33 19 summary of her interview that took place on January
16:08:37 20 9th, 2015 and January 13th, 2015, did you send the
16:08:41 21 signed summary back to OFCCP?
16:08:47 22 A. I forwarded it, yes.
16:08:48 23 Q. Okay. So you acted as the messenger
16:08:52 24 again --
16:08:53 25 A. Exactly.

16:08:53 1 Q. -- between --

16:08:54 2 You acted as the messenger, again, between

16:08:57 3 OFCCP and Lisa Gordon?

16:09:00 4 A. Yes.

16:09:00 5 Q. And is Exhibit A to the declaration that

16:09:10 6 you filed or that you signed in the Jewett case --

16:09:13 7 A. Uh-huh.

16:09:14 8 Q. -- a true and correct copy of the corrected

16:09:19 9 interview or summary of the interview of Lisa

16:09:25 10 Gordon's interview?

16:09:25 11 A. I can't say, because when I reforwarded it

16:09:29 12 back, I didn't look at what the changes were.

16:09:31 13 Q. Do you have any reason to believe that this

16:09:34 14 is not a true and correct version of the corrected --

16:09:40 15 of the --

16:09:41 16 A. Of what she signed?

16:09:42 17 Q. Yes.

16:09:43 18 A. I believe that's the statement that she

16:09:50 19 signed and sent back to you and which -- let's see,

16:09:58 20 I'm going back to this; we have so many in front of

16:10:01 21 me.

16:10:01 22 Q. When you say this is a -- you believe that

16:10:04 23 Exhibit A to the declaration you signed in Jewett is

16:10:08 24 a true and correct copy of the summary of Lisa

16:10:12 25 Gordon's interview that you sent back to OFCCP.

16:10:17 1 Correct?
16:10:17 2 A. I -- it may be the summary. I can't attest
16:10:22 3 to any accuracy with regard to the statements in it,
16:10:26 4 however. I can't confirm that accuracy. I believe
16:10:31 5 that it's the form that she sent back, but, you know,
16:10:40 6 again, even like looking at these -- the edits of the
16:10:43 7 second document you gave me, I don't recall making
16:10:46 8 any of those edits or seeing any of those edits. And
16:10:49 9 I look at thousands of pieces of documents all the
16:10:52 10 time, but I don't recall any of those, so I'm
16:10:55 11 assuming this is what -- what we sent back, but I
16:10:58 12 don't know that for certain, you know, because --
16:11:06 13 Q. Have you seen Lisa Gordon's signature
16:11:08 14 before?
16:11:08 15 A. I may have, but I couldn't -- I don't
16:11:13 16 recall what it looks like.
16:11:13 17 Q. Did you act as a messenger between OFCCP
16:11:28 18 and other witnesses that OFCCP interviewed during the
16:11:35 19 compliance audits?
16:11:37 20 A. Could you be more specific? Because the
16:11:46 21 other interviews were a little different, so could
16:11:49 22 you be more specific?
16:11:50 23 Q. That's my question.
16:11:55 24 MS. CONNELL: Objection; lacks foundation,
16:11:57 25 assumes facts.

16:13:43 1 MS. CONNELL: Objection; the document
16:13:45 2 speaks for itself.
16:13:46 3 THE WITNESS: So your question is that you
16:13:56 4 were not just requesting the dates of the pay
16:13:58 5 analysis --
15:55:39 6 BY MS. BREMER:
15:55:39 7 Q. OFCCP was --
16:13:59 8 A. Is that your question?
16:14:01 9 Q. OFCCP was not just requesting the dates?
16:14:04 10 A. Correct. That's what it states.
16:14:38 11 MS. BREMER: Okay. Okay. Yes, let's --
16:14:40 12 let's take a break to change the tape.
16:14:44 13 MS. CONNELL: Okay.
16:14:45 14 THE WITNESS: Oh, okay.
16:14:46 15 THE VIDEOGRAPHER: This is the end of video
16:14:48 16 three. The time is 4:14 p.m. We are off the record.
16:14:52 17 (Recessed from 4:14 p.m. until 4:20 p.m.)
16:20:23 18 THE VIDEOGRAPHER: This is the beginning of
16:20:46 19 video four of the May 8th, 2019 deposition of Shauna
16:20:50 20 Holman-Harries. The time is 4:20 p.m. We are on the
16:20:54 21 record.
16:20:55 22 MS. BREMER: Okay. I'd like to mark as
16:20:58 23 Exhibit Number 34 Regulations 41 CFR 60-2.17.
16:20:58 24 (Marked for identification Exhibit 34.)
16:21:18 25 THE WITNESS: Thank you.

16:21:24 1 BY MS. BREMER:
16:21:24 2 Q. As the senior director of Oracle's
16:21:28 3 diversity compliance, are you familiar with 41
16:21:34 4 CFR 60-2.17?
16:21:37 5 A. Let me -- let me review it, if you wouldn't
16:21:43 6 mind.
16:22:00 7 Yes.
16:22:01 8 Q. Okay. So it says that in addition to the
16:22:15 9 elements required by 60-210 through 60-216, an
16:22:23 10 acceptable affirmative action program must include
16:22:26 11 the following: And (b)(3) says, "The contractor must
16:22:36 12 perform in-depth analyses of the total compensation
16:22:40 13 process to determine whether and where impediments of
16:22:44 14 equal employment opportunity exist. At a minimum,
16:22:48 15 the contractor must evaluate compensation systems to
16:22:52 16 determine whether there are gender, race, or
16:22:55 17 ethnicity-based disparities."
16:22:58 18 What does Oracle do to comply with this
16:23:06 19 section?
16:23:06 20 MS. CONNELL: Just object that you've
16:23:08 21 skipped over some parts of the regulation and only
16:23:12 22 read select portions, so in that sense it
16:23:16 23 misrepresents the document and also calls for a legal
16:23:18 24 conclusion.
16:23:19 25 THE WITNESS: Oracle only for their -- for

16:23:29 1 the part to comply with this, managers look at
16:23:38 2 starting pay, increases, bonuses, or other incentives
16:23:47 3 with regard to preventing discrimination and making
16:23:52 4 sure that pay -- that they look at equity with regard
16:23:57 5 to pay.
16:23:58 6 BY MS. BREMER:
16:23:58 7 Q. As the individual responsible for the
16:24:25 8 implementation of Oracle's Affirmative Action Plan,
16:24:32 9 what do you do to ensure compliance with this
16:24:40 10 section?
16:24:41 11 MS. CONNELL: Objection; assumes facts and
16:24:43 12 lacks foundation.
16:24:44 13 THE WITNESS: You're talking about Section
16:24:44 14 3?
16:24:44 15 BY MS. BREMER:
16:24:52 16 Q. 41 CFR 60-2.17(a)(b)(3)?
16:25:00 17 A. (b)(3).
16:25:01 18 MS. CONNELL: It's compound.
16:25:04 19 BY MS. BREMER:
16:25:04 20 Q. I'm sorry. I'm sorry, let me start over.
16:25:07 21 The section I'm talking about is 41 CFR 60-2.17(a) --
16:25:15 22 no, just (b)(3).
16:25:21 23 MS. CONNELL: Same objections, lacks
16:25:23 24 foundation, assumes facts.
16:25:26 25 THE WITNESS: The analysis that's done is

16:25:29 1 as my prior statements with regard to this item is
16:25:34 2 done by managers within their work groups to satisfy
16:25:42 3 this particular regulation. I don't do anything else
16:25:47 4 in addition to what they're doing to satisfy this
16:25:51 5 regulation and to meet this regulation.
16:25:55 6 BY MS. BREMER:
16:25:55 7 Q. And do you or anyone in your group review
16:25:59 8 the analyses done by managers in work groups to
16:26:03 9 satisfy this section?
16:26:06 10 A. No.
16:26:07 11 Q. To your knowledge, does anyone at Oracle
16:26:16 12 review the analyses that managers do within their
16:26:20 13 work groups to satisfy 41 CFR 60-2.17 (b)(3)?
16:26:28 14 MS. CONNELL: Objection; calls for
16:26:29 15 speculation.
16:26:29 16 THE WITNESS: I can't really say what's
16:26:31 17 done in -- in all the work groups. All I can say is
16:26:36 18 in my particular work group, I make the
16:26:39 19 recommendations, and I pass them through my -- to my
16:26:41 20 supervisor to review. But in all seven and a half
16:26:45 21 years I've been at Oracle, she's never made any
16:26:49 22 changes. Either she, either Liz or Vickie.
16:26:52 23 MS. BREMER: Can you ask my question again,
16:26:54 24 please.
16:26:55 25 (Record read.)

16:27:19 1 MS. CONNELL: Same objection; calls for
16:27:20 2 speculation.
16:27:21 3 THE WITNESS: I can't speak to who reviews
16:27:25 4 the pay within each -- each group's work group or the
16:27:30 5 pay decisions that are made.
16:27:34 6 BY MS. BREMER:
16:27:34 7 Q. Or the analyses that are done?
16:27:38 8 A. Or -- or the analyses that are done.
16:27:39 9 Q. During the time that you've been in charge
16:27:47 10 or overseeing OFCCP compliance, are you aware of any
16:27:58 11 in-depth analyses of Oracle's compensation systems
16:28:10 12 that are conducted among employees with the same job
16:28:13 13 title?
16:28:15 14 MS. CONNELL: Objection; asked and
16:28:17 15 answered, vague and ambiguous.
16:28:19 16 THE WITNESS: Could you rephrase the
16:28:25 17 question?
16:28:28 18 BY MS. BREMER:
16:28:30 19 Q. Are you -- has Oracle conducted any
16:28:35 20 in-depth analyses of Oracle's compensation systems to
16:28:43 21 determine whether there're gender-, race-, or
16:28:50 22 ethnicity-based disparities among employees at Oracle
16:28:54 23 with the same job title?
16:28:56 24 MS. CONNELL: Objection; calls for
16:28:57 25 speculation, asked and answered.

16:29:02 1 THE WITNESS: Not in relation to this
16:29:04 2 regulation. The only analyses that have been done
16:29:06 3 outside of this regulation have been those done at
16:29:10 4 the request of our attorneys.
16:29:16 5 BY MS. BREMER:
16:29:16 6 Q. At the request of your attorneys, have
16:29:18 7 any -- has Oracle made any in-depth analyses of
16:29:28 8 Oracle's compensation systems to determine whether
16:29:31 9 there are gender-, race-, or ethnicity-based
16:29:34 10 disparities among employees with the same job title?
16:29:37 11 MS. CONNELL: Instruct her not to answer
16:29:40 12 with regard to what attorneys may have requested or
16:29:40 13 what analyses were done at the request of counsel.
16:29:44 14 If you want to rephrase your question, she
16:29:47 15 can answer. But I'll instruct her not to answer that
16:29:50 16 question.
16:29:51 17 BY MS. BREMER:
16:30:17 18 Q. 41 CFR 60-2.17(c) says, "The contractor
16:30:25 19 must develop and execute action-oriented programs
16:30:30 20 designed to correct any problem areas identified
16:30:34 21 pursuant to 60-2.17(b)."
16:30:42 22 Has Oracle identified any problem areas
16:30:49 23 with respect to compensation?
16:30:51 24 A. Any areas that would have been identified
16:30:59 25 would have been a result of attorney-client requests

16:31:06 1 for information, and any analysis that was provided
16:31:11 2 to them or that they -- they did themselves, that our
16:31:14 3 attorneys did themselves.
16:31:15 4 Q. Were any -- were there any problem areas
16:31:36 5 identified by Oracle's counsel related to
16:31:39 6 compensation?
16:31:40 7 MS. CONNELL: Object; the question is vague
16:31:45 8 and ambiguous, calls for a legal conclusion, and to
16:31:47 9 the extent -- and instruct her not to answer, to the
16:31:51 10 extent any attorneys communicated anything, you know,
16:31:55 11 I don't want you to testify as to the substance of
16:31:59 12 any communications you had with counsel, but if you
16:32:02 13 can answer the question without disclosing the
16:32:05 14 substance of communications with counsel, you can
16:32:08 15 answer.
16:32:08 16 THE WITNESS: So the question being? You
16:32:12 17 want to restate the question?
16:32:14 18 (Record read.)
16:32:28 19 MS. CONNELL: Also calls for speculation.
16:32:40 20 And same objections as before.
16:32:42 21 THE WITNESS: I can't recall what they --
16:32:45 22 what they were; if any problem areas were identified,
16:32:52 23 the problem areas, I'm sure, they would have gone to
16:32:55 24 Oracle inside legal counsel.
16:32:58 25 MS. CONNELL: Don't speculate.

16:32:59 1 THE WITNESS: But I don't -- yeah, she's
16:33:01 2 right, I'm speculating. So I really can't -- I can't
16:33:15 3 really say for certainty that any problem areas were
16:33:18 4 communicated back or areas being a problem.
16:33:22 5 BY MS. BREMER:
16:33:22 6 Q. Okay. As the person at Oracle in charge of
16:33:31 7 OFCC compliance between 2013 and the present, are you
16:33:34 8 aware of any action -- of any problem areas
16:33:41 9 identified pursuant to Section 60-2.7(b) regarding
16:33:52 10 Oracle's compensation?
16:33:55 11 MS. CONNELL: Just object to the preamble
16:33:58 12 of the question as misstating her role with regard to
16:34:01 13 OFCCP compliance.
16:34:02 14 But you can answer.
16:34:03 15 THE WITNESS: Okay. Are you -- with --
16:34:07 16 with regard to which location?
16:34:12 17 BY MS. BREMER:
16:34:13 18 Q. H -- HQCA. Headquarters.
16:34:19 19 MS. CONNELL: And, again, I'll just counsel
16:34:21 20 the witness not -- not to disclose the content of any
16:34:24 21 attorney-client privileged discussions.
16:34:26 22 THE WITNESS: I can just say yes.
16:34:35 23 BY MS. BREMER:
16:34:36 24 Q. Have the problem areas identified regarding
16:34:44 25 Oracle's compensation systems been communicated to

16:34:49 1 any managers at Oracle who are making compensation
16:34:56 2 decisions?
16:34:57 3 A. Your question to me assumes that there were
16:35:02 4 areas that in counsel's analysis that --
16:35:06 5 MS. CONNELL: Okay. Again, Shauna, I'm
16:35:10 6 instructing you not to testify about any
16:35:12 7 attorney-client privilege analyses --
16:35:12 8 THE WITNESS: This is very --
16:35:15 9 MS. CONNELL: -- issues, discussions --
16:35:16 10 THE WITNESS: -- I feel very awkward in
16:35:17 11 this --
16:35:18 12 MS. CONNELL: And there's confusion because
16:35:21 13 she's asking about nonprivileged stuff, and you're
16:35:21 14 testifying about privileged stuff.
16:35:23 15 THE WITNESS: Okay.
16:35:24 16 MS. CONNELL: So I'm instructing you not to
16:35:26 17 answer about any privileged discussions that you
16:35:26 18 had --
16:35:26 19 THE WITNESS: Okay.
16:35:28 20 MS. CONNELL: -- with counsel.
16:35:28 21 THE WITNESS: Okay. So you're asking about
16:35:32 22 the stuff that managers do? There's two different --
16:35:35 23 there's two different areas, and I think that this is
16:35:36 24 where I'm getting confused. Because you're -- it
16:35:40 25 appears to me that you're asking me about

16:35:44 1 communication from counsel and the privileged
16:35:47 2 analysis that they did. And I don't feel comfortable
16:35:52 3 responding to that, because that's their work
16:35:54 4 product.
16:35:55 5 That's why I -- I kind of keep looking at
16:35:57 6 you, you know, and why am I getting these questions,
16:36:01 7 because this is privileged. Are you asking questions
16:36:04 8 about the analysis that managers do?
16:36:06 9 BY MS. BREMER:
16:36:06 10 Q. Okay. Let me first -- with respect to 41
16:36:11 11 CFR Section 60-2.17(c), regarding the -- the problem
16:36:23 12 areas identified, I understood your -- you to be
16:36:31 13 saying that the only problem areas identified would
16:36:33 14 have been identified by counsel, is that correct, or
16:36:36 15 not?
16:36:36 16 A. The problem areas, from a pay analysis.
16:36:39 17 However, if a manager -- managers could also have
16:36:44 18 problem areas within their group that they identified
16:36:47 19 that they remedy on their own for -- for the analysis
16:36:51 20 that we do, in compliance of this particular
16:36:55 21 activity. The other activity, and I just want to be
16:36:58 22 really clear, again, that the activity with counsel
16:37:01 23 is not -- is not even related to this. It's an
16:37:04 24 individual analysis.
16:37:05 25 Q. Okay. So when you said the activity with

16:37:08 1 counsel is not related to this, you're talking about
16:37:10 2 it's not related to --
16:37:12 3 A. It's not part of --
16:37:13 4 Q. -- to this regulation --
16:37:15 5 A. Correct.
16:37:15 6 Q. 60-2.17?
16:37:18 7 A. Yes.
16:37:18 8 Q. Okay. Now, just focusing right now on this
16:37:22 9 regulation --
16:37:22 10 A. Okay.
16:37:23 11 Q. -- you said that -- my understanding of
16:37:30 12 what you're saying is that the analyses that were
16:37:34 13 conducted to comply with 60-2.17(b)(3) were done by
16:37:46 14 individual managers?
16:37:48 15 A. Yes.
16:37:48 16 Q. And you did not receive the results of
16:37:52 17 those analyses?
16:37:53 18 A. Correct.
16:37:56 19 Q. And those -- any analyses that were done
16:38:03 20 were done at individual managers' discretion?
16:38:06 21 MS. CONNELL: Objection; misstates her
16:38:08 22 testimony.
16:38:08 23 THE WITNESS: No, it was not done at the
16:38:11 24 individual manager's discretion; it was done upon
16:38:15 25 hire. It was done during the focal review, when

16:38:20 1 there's an assignment of any kind of bonus money. Or
16:38:25 2 the fourth area would be like if an employee got
16:38:29 3 stock options. So it wasn't -- it wasn't kind of
16:38:32 4 like, you know, at the discretion of the manager; it
16:38:36 5 was -- there were different assigned periods where
16:38:39 6 managers, you know, look at this, you know, so --
16:38:42 7 BY MS. BREMER:
16:38:42 8 Q. And were they instructed to look at their
16:38:49 9 compensation systems to determine whether there were
16:38:54 10 gender-, race-, or ethnicity-based disparities?
16:38:57 11 A. According to the document that you showed
16:39:01 12 me, they were instructed to look at factors -- any
16:39:05 13 type of discriminatory factor, and that was on the
16:39:12 14 slides, so if you take a look at that, and you take a
16:39:15 15 look at your notes on the slides, there's like a
16:39:19 16 thing it will tell you exactly what you're instructed
16:39:23 17 to do.
16:39:24 18 Q. And you're talking about Exhibit 29?
16:39:27 19 A. I have to look.
16:39:29 20 Yes.
16:39:29 21 Q. And you're saying that the instruction that
16:39:32 22 was provided to --
16:39:35 23 A. Yeah, I've got to find it.
16:39:37 24 MR. GARCIA: It's page 10 and 11.
16:39:40 25 THE WITNESS: Thank you.

16:39:41 1 MS. BREMER: 407-10 and 11.
16:39:45 2 MS. CONNELL: 28.
16:39:49 3 THE WITNESS: Here, like, we're almost
16:39:52 4 there. We're almost there. It's not just -- okay.
16:40:00 5 MS. CONNELL: What's this?
16:40:02 6 THE WITNESS: There's something I saw here
16:40:04 7 when we were -- when you had me look at this earlier,
16:40:06 8 and it -- it talks about that, it says right here --
16:40:15 9 okay, thank you.
16:40:29 10 It says, on your page 407-11, "When you are
16:40:33 11 making pay decisions consider internal equity and be
16:40:36 12 as fair as possible. Differences need to be based on
16:40:38 13 fair, justifiable, and nondiscriminatory criteria."
16:40:45 14 So they've -- they've been instructed to
16:40:48 15 make all decisions with regard to looking at their
16:40:49 16 group is based on nondiscriminatory criteria.
16:40:52 17 BY MS. BREMER:
16:40:52 18 Q. And were managers instructed how to make
16:40:59 19 decisions based on their justifiable and
16:41:04 20 nondiscriminatory criteria?
16:41:06 21 MS. CONNELL: Objection; calls for
16:41:08 22 speculation.
16:41:08 23 THE WITNESS: I can't say what each manager
16:41:10 24 was told to do; I can just say that -- that managers
16:41:14 25 are provided with this particular training to explain

16:41:18 1 it, but I don't know what additional training
16:41:21 2 different groups or different managers received in
16:41:26 3 addition to this.
16:41:27 4 BY MS. BREMER:
16:41:27 5 Q. And did your group provide any training to
16:41:30 6 managers on how to ensure that their decisions were
16:41:37 7 fair, justifiable, and nondiscriminatory?
16:41:40 8 A. No.
16:41:43 9 Q. Was this training in -- that's part of
16:41:49 10 Exhibit 29 required for managers?
16:41:55 11 MS. CONNELL: Objection; asked and
16:41:57 12 answered.
16:41:57 13 THE WITNESS: I didn't develop this
16:41:59 14 training; I don't -- I can't tell you what -- if --
16:42:05 15 if this is required for all managers or what the
16:42:08 16 requirements are for this; this is something that was
16:42:11 17 put together by the compensation department.
16:42:19 18 BY MS. BREMER:
16:42:19 19 Q. And were managers, to your knowledge, given
16:42:22 20 any instructions on how to perform an in-depth
16:42:26 21 analysis of Oracle's total employment process with
16:42:34 22 respect to its compensation systems?
16:42:37 23 MS. CONNELL: Objection; calls for
16:42:37 24 speculation.
16:42:39 25 THE WITNESS: Yeah, I can't say, because

16:42:41 1 this training was developed by compensation and not
16:42:44 2 by my -- not by the compliance team.
16:42:47 3 BY MS. BREMER:
16:42:47 4 Q. Were managers required to implement the
16:42:56 5 instructions that are -- that you identified to make
16:43:09 6 differences in pay be based on fair, justifiable, and
16:43:14 7 nondiscriminatory criteria?
16:43:15 8 MS. CONNELL: Objection; vague and
16:43:17 9 ambiguous, calls for speculation.
16:43:18 10 THE WITNESS: Yeah, I can't tell you
16:43:19 11 exactly, you know, what each manager received again.
16:43:23 12 This -- this training was developed by a group other
16:43:25 13 than the group that I work with.
16:43:27 14 BY MS. BREMER:
16:43:27 15 Q. And you don't know if managers were
16:43:30 16 required to either attend the training or to use the
16:43:38 17 criteria identified in the training?
16:43:41 18 MS. CONNELL: Objection; asked and
16:43:43 19 answered, calls for speculation, again.
16:43:50 20 THE WITNESS: I would -- I would think, you
16:43:52 21 know, and I can't say, but I would think that if
16:43:55 22 there's guidance like this given to managers, that
16:43:58 23 they would be expected to comply with this, so --
16:44:02 24 this isn't my training, but I would see no point
16:44:06 25 in -- in providing this to managers unless they were

16:44:08 1 expected to comply with it.
16:44:10 2 BY MS. BREMER:
16:44:10 3 Q. And did your -- did the compliance group do
16:44:13 4 anything to ensure that managers followed the
16:44:21 5 guidance in Exhibit 29?
16:44:28 6 A. No, because this isn't our training
16:44:30 7 program; this is another group's training program.
16:44:33 8 Q. Are you aware of any other instructions
16:44:45 9 that managers were given on how to perform in-depth
16:44:51 10 analyses of Oracle's compensation systems to
16:44:54 11 determine whether there're gender-, race-, or
16:44:59 12 ethnicity-based disparities?
16:44:59 13 A. I don't -- I'm not aware of any, but that
16:45:02 14 doesn't mean that it doesn't exist, because, you
16:45:05 15 know, there could be something along the line, you
16:45:09 16 know this isn't my training, so --
16:45:10 17 Q. And are you aware of anything else that
16:45:13 18 Oracle did to comply with the requirement that Oracle
16:45:21 19 perform in-depth analyses of its compensation systems
16:45:25 20 to determine whether there're gender-, race-, or
16:45:29 21 ethnicity-based disparities?
16:45:30 22 MS. CONNELL: Objection --
16:45:31 23 THE WITNESS: I'm not aware of anything.
16:45:32 24 MS. CONNELL: -- calls for speculation.
16:45:33 25 THE WITNESS: Yeah.

16:45:34 1 BY MS. BREMER:
16:45:34 2 Q. Okay. And you indicated that the way that
16:45:39 3 Oracle complied with this section was by having
16:45:52 4 managers -- individual managers conduct analyses when
16:45:56 5 they were making pay decisions. Right?
16:45:58 6 MS. CONNELL: Objection; asked and
16:46:00 7 answered.
16:46:00 8 THE WITNESS: Yes.
16:46:01 9 BY MS. BREMER:
16:46:01 10 Q. Okay. So how did the compliance group at
16:46:05 11 Oracle track whether problem areas were identified in
16:46:14 12 the analyses done by Oracle managers to determine
16:46:18 13 whether there were gender-, race-, or ethnicity-based
16:46:22 14 disparities in compensation?
16:46:24 15 MS. CONNELL: Objection; assumes facts.
16:46:25 16 THE WITNESS: We didn't -- didn't track
16:46:28 17 their pay decisions.
16:46:30 18 BY MS. BREMER:
16:46:31 19 Q. And you didn't -- you didn't track the
16:46:33 20 analyses that managers did either?
16:46:35 21 A. No.
16:46:35 22 Q. And you didn't identify whether managers
16:46:42 23 had found problem areas in Oracle's compensation
16:46:47 24 systems, based on gender, or race, or ethnicity?
16:46:54 25 A. We did not have an official tracking

16:46:58 1 system, no.

16:46:59 2 Q. Okay. So now I'm going to ask you again

16:47:11 3 about 41 CFR 60-2.17(c). Did Oracle -- okay, given

16:47:28 4 that Oracle did not track problem areas in

16:47:32 5 compensation, did Oracle develop and execute

16:47:38 6 action-oriented programs designed to correct problem

16:47:41 7 areas identified pursuant to 60-2.17(b) regarding

16:47:50 8 compensation?

16:47:52 9 MS. CONNELL: Objection; assumes facts,

16:47:54 10 lacks foundation, misstates her testimony, calls for

16:47:58 11 a legal conclusion.

16:47:59 12 THE WITNESS: Yeah, I can't speak to other

16:48:00 13 areas, so I can't answer that yes or no.

16:48:04 14 BY MS. BREMER:

16:48:04 15 Q. One of your duties was to oversee OFCCP --

16:48:24 16 one of your duties was to oversee Oracle's compliance

16:48:29 17 with the OFCCP regulations. Correct?

16:48:32 18 MS. CONNELL: Objection; misstates her

16:48:35 19 testimony.

16:48:35 20 THE WITNESS: To oversee -- it, I mean, to

16:48:40 21 oversee certain aspects of if.

16:48:43 22 BY MS. BREMER:

16:48:44 23 Q. Okay. And during the time that you were

16:49:04 24 Oracle's diversity compliance director and senior

16:49:15 25 director, did Oracle develop and execute any

16:55:29 1 A. I have responsibility for knowing that the
16:55:58 2 programs are done, but that's quite different than
16:56:01 3 doing the programs myself or -- or anything like
16:56:04 4 that. So those are two different issues.
16:56:09 5 So if you look at page 11 of the
16:56:11 6 Affirmative Action Plan, it says "Oracle develops and
16:56:15 7 analyzes internal audit reports to assess performance
16:56:18 8 in at least the following areas," so it talks about
16:56:21 9 that. And it says that Oracle does.
16:56:28 10 Q. Right.
16:56:30 11 A. And then we'll look at the other one that I
16:56:32 12 think you're going to, let's see.
16:56:35 13 Q. And you are the designated individual
16:56:44 14 responsible for the plan implementation of Oracle's
16:56:51 15 Affirmative Action Plan?
16:56:52 16 A. The plan implementation, but when we very
16:56:55 17 first started this I talked to you a little bit about
16:56:57 18 coordinating, and I'm not responsible for every facet
16:57:02 19 of the Affirmative Action Plan; I'm just -- you know,
16:57:04 20 I oversee it or administer it, I think is a better
16:57:08 21 term, I administer it. But there's different areas
16:57:11 22 in here that talk about the responsibilities included
16:57:16 23 in that.
16:57:17 24 Q. Okay. So you don't see it as part of your
16:57:21 25 responsibilities to oversee Oracle's OFCCP compliance

16:57:26 1 efforts with respect to compensation?
16:57:28 2 MS. CONNELL: Objection; misstates her
16:57:29 3 testimony. It's argumentative at this point.
16:57:34 4 THE WITNESS: What -- what I see as
16:57:37 5 different responsibilities, I do my responsibilities
16:57:39 6 as they've been assigned to me. The responsibilities
16:57:43 7 for compensation analysis have been given to the
16:57:46 8 managers within their group.
16:57:50 9 BY MS. BREMER:
16:57:50 10 Q. And you don't oversee those?
16:57:52 11 A. No.
16:57:52 12 Q. And you -- but you are responsible for
16:58:06 13 other areas of OFCCP compliance?
16:58:11 14 A. Yes.
16:58:11 15 MS. CONNELL: Objection; vague.
16:58:13 16 BY MS. BREMER:
16:58:13 17 Q. Okay. As -- do you coordinate with anyone
16:58:18 18 else regarding OFCCP's compliance in the compensation
16:58:24 19 area?
16:58:24 20 A. Not that works for Oracle.
16:58:35 21 Q. Okay. Do you coordinate with someone
16:58:37 22 regarding Oracle's compliance with compensation
16:58:40 23 systems outside of Oracle?
16:58:42 24 A. Not really for compliance purposes, no.
16:58:45 25 The only other analysis that's done is done under

16:58:49 1 attorney-client work product and we just supply
16:58:51 2 information to our attorneys that they go ahead and
16:58:54 3 develop, but that is not in relation to compliance
16:58:57 4 with this particular -- I think I buried it, but
16:59:03 5 the -- the regulation that you've been referencing.
16:59:06 6 They're two different things.
16:59:08 7 Q. On Exhibit 34?
16:59:10 8 A. Yes.
16:59:11 9 Q. Okay. So with respect to Oracle's
16:59:14 10 compliance with OFCCP regulations relating to
16:59:18 11 compensation, is there anyone at Oracle that you
16:59:23 12 coordinate with?
16:59:26 13 A. No, because that's done by the -- the
16:59:28 14 managers are responsible for ensuring
16:59:35 15 nondiscrimination within -- and pay equity within
16:59:37 16 each one of their groups, their staffs.
16:59:40 17 Q. And are you aware of anyone at Oracle who
16:59:46 18 is in charge of compliance with the requirements of
16:59:57 19 41 CFR 60-2.17(c)?
17:00:03 20 MS. CONNELL: Objection; calls for a legal
17:00:06 21 conclusion, assumes facts.
17:00:10 22 THE WITNESS: And you're talking about with
17:00:11 23 regard to compensation in that, right, because
17:00:14 24 there's other areas that go into that, but you're
17:00:17 25 talking about compensation. Correct?

17:00:19 1 BY MS. BREMER:
17:00:19 2 Q. Yes. Subsection 3 is compensation systems.
17:00:24 3 MS. CONNELL: Same objections.
17:00:25 4 THE WITNESS: Yeah, I think I've already
17:00:26 5 answered that question. I -- I don't believe -- I
17:00:28 6 don't know of anybody other than the managers that
17:00:30 7 are responsible for -- for this particular area and
17:00:36 8 creating -- and correcting any problems within their
17:00:39 9 work group.
17:00:40 10 BY MS. BREMER:
17:00:40 11 Q. Okay. And are you aware of anyone at
17:00:43 12 Oracle who is responsible for compliance with
17:00:48 13 creating action-oriented programs designed to correct
17:00:55 14 any problem areas identified in Oracle's compensation
17:01:01 15 systems under -- pursuant to this regulation?
17:01:07 16 MS. CONNELL: Objection; calls for a legal
17:01:09 17 conclusion, assumes facts, lacks foundation, asked
17:01:12 18 and answered.
17:01:12 19 THE WITNESS: Yeah. Again, managers are
17:01:14 20 responsible for any type of pay equity concerns
17:01:21 21 within -- and that type of concern within their work
17:01:24 22 groups.
17:01:25 23 BY MS. BREMER:
17:01:25 24 Q. And you're not aware of anyone other than
17:01:28 25 managers who is responsible for developing and

17:01:35 1 executing action-oriented programs to correct
17:01:38 2 compensation problems identified under this
17:01:43 3 regulation?
17:01:43 4 A. I am not aware of anybody other than
17:01:48 5 managers.
17:01:48 6 Q. Okay. At the end of this Section --
17:02:07 7 A. Uh-huh.
17:02:08 8 Q. -- 41 CFR Section 60-2.17 --
17:02:14 9 A. Which exhibit are you referring to?
17:02:16 10 Q. This is the same regulation, Exhibit 34.
17:02:20 11 A. Okay.
17:02:20 12 Q. 41 CFR Section 60-2.17(d)(4).
17:02:34 13 A. Okay, let me find it, let me find it.
17:02:37 14 Okay, I see (b), (c), (d), yes.
17:02:42 15 Q. It requires the contractor to advise top
17:02:45 16 management of program effectiveness and submit
17:02:48 17 recommendations to improve unsatisfactory
17:02:54 18 performance.
17:02:55 19 Are you aware of anything that Oracle has
17:02:59 20 done to comply with this subsection regarding its
17:03:04 21 compensation systems?
17:03:05 22 MS. CONNELL: Just object that it assumes
17:03:07 23 facts and lacks foundation, and that -- yeah. Calls
17:03:18 24 for a legal conclusion.
17:03:19 25 THE WITNESS: Let's see, let me read this

17:03:22 1 again very carefully.

17:03:40 2 I am not aware of anything that's been done

17:03:43 3 outside of our work product, but -- or I am really, I

17:03:54 4 am just going to answer I am not aware of anything,

17:03:56 5 no. Because I keep -- I don't want to mix up the

17:04:00 6 two, I want to relate my response to the analysis

17:04:03 7 that's done by managers.

17:04:04 8 BY MS. BREMER:

17:04:04 9 Q. And has your compliance group done anything

17:04:24 10 to periodically measure the effectiveness of Oracle's

17:04:31 11 total affirmative action program concerning

17:04:36 12 compensation?

17:04:38 13 MS. CONNELL: Objection; assumes facts,

17:04:40 14 lacks foundation, calls for a legal conclusion.

17:04:44 15 THE WITNESS: Not with regard to this --

17:04:47 16 this regulation.

17:04:49 17 BY MS. BREMER:

17:04:49 18 Q. And are you aware of anyone at Oracle who

17:04:53 19 has periodically measured the effectiveness of

17:04:58 20 Oracle's affirmative action program with respect to

17:05:02 21 Oracle's compensation?

17:05:05 22 MS. CONNELL: Lacks foundation, assumes

17:05:07 23 facts, calls for speculation, calls for a legal

17:05:10 24 conclusion.

17:05:10 25 THE WITNESS: And you're -- you're

17:05:11 1 referencing this with regard to this regulation.
17:05:15 2 Right?
17:05:15 3 BY MS. BREMER:
17:05:15 4 Q. Yes.
17:05:16 5 A. Not with regard to this regulation.
17:05:50 6 MS. BREMER: Why don't we take a quick
17:05:52 7 break.
17:05:52 8 THE WITNESS: Sure, that would be great. I
17:05:54 9 think that everybody's --
17:05:54 10 THE VIDEOGRAPHER: The time is --
17:05:56 11 THE WITNESS: I think you -- you and I are
17:05:58 12 successfully boring everybody.
17:06:00 13 THE VIDEOGRAPHER: The time is 5:06 p.m.
17:06:03 14 We are off the record.
17:06:04 15 (Recessed from 5:06 p.m. until 5:18 p.m.)
17:18:22 16 THE VIDEOGRAPHER: The time is 5:18 p.m.
17:18:45 17 We are on the record.
17:18:50 18 BY MS. BREMER:
17:18:51 19 Q. So I understand after talking to counsel
17:18:53 20 you have some additional clarifications?
17:18:56 21 A. Yeah, things that -- that weren't clear.
17:18:58 22 When we were going back and forth over the types of
17:19:02 23 analyses that were done, you asked me if anybody had
17:19:05 24 ever communicated any problem areas to me, and -- and
17:19:10 25 what I was -- and I said yes, and what I was

17:19:13 1 referring to are the problem areas that the OFCCP
17:19:16 2 communicated to us with regard to HQ.
17:19:19 3 Q. Okay.
17:19:23 4 A. And then the other one on compensation
17:19:26 5 oversight, while all the analysis is done at the
17:19:33 6 level of -- of the manager, and the pay equity
17:19:40 7 analysis, yes, I -- you know, I do recognize that I
17:19:45 8 do have oversight of that, but I don't supervise the
17:19:51 9 actual analysis. And those were the two
17:19:56 10 clarifications. But the one that I was really
17:19:58 11 concerned with, because I was getting so confused,
17:20:01 12 was the one, because you had asked me any problem
17:20:04 13 areas, and all I could think of is the OFCCP, you
17:20:09 14 know, communicating that during the audit.
17:20:13 15 Q. Okay. As the person in charge of
17:20:16 16 overseeing Oracle's compensation analyses, what do
17:20:26 17 you do to review those analyses?
17:20:29 18 MS. CONNELL: Objection; misstates her
17:20:31 19 testimony and lacks foundation.
17:20:32 20 THE WITNESS: Yeah, I don't oversee the
17:20:34 21 individual, each one of the individual analyses
17:20:38 22 that -- there. I -- I -- take a look at, you know,
17:20:44 23 it's like, it kind of falls under compliance, but I
17:20:47 24 trust them to go ahead and perform the analyses on
17:20:49 25 their own, so they would --

17:20:52 1 BY MS. BREMER:

17:20:52 2 Q. And your group doesn't do anything to

17:20:58 3 ensure that the individual managers have conducted

17:21:04 4 analyses that -- to determine whether there are

17:21:15 5 gender-, race-, or ethnicity-based disparities?

17:21:18 6 A. No.

17:21:19 7 Q. Looking back at Exhibit 29.

17:21:29 8 A. Sure.

17:21:30 9 Q. You pointed to --

17:21:40 10 A. Just a second. I'm almost there.

17:21:48 11 MR. GARCIA: It's the thick document of --

17:21:50 12 THE WITNESS: The thick one at the bottom?

17:21:50 13 MR. GARCIA: With the e-mail matching

17:21:56 14 compensation. I think it's at the very bottom of

17:21:57 15 your stack.

17:22:00 16 THE WITNESS: Okay. Yes. Thank you.

17:22:01 17 MR. GARCIA: You're welcome.

17:22:03 18 BY MS. BREMER:

17:22:04 19 Q. Okay. You pointed me to pages 407-10 and

17:22:08 20 407-11?

17:22:10 21 A. Yes.

17:22:10 22 Q. And you said that these are documents you

17:22:19 23 relied upon for saying that managers are responsible

17:22:21 24 for -- for pay equity?

17:22:24 25 A. Yes.

17:22:24 1 Q. Are there any other documents you rely upon
17:22:29 2 in saying that managers are responsible for pay
17:22:31 3 equity?
17:22:32 4 A. That I rely on?
17:22:34 5 Q. Yes.
17:22:36 6 A. No.
17:22:36 7 Q. Are you aware of any other documents that
17:22:40 8 instruct managers on pay equity?
17:22:46 9 MS. CONNELL: Objection; calls for
17:22:48 10 speculation.
17:22:49 11 THE WITNESS: I'm not aware of any. That
17:22:51 12 doesn't mean they don't exist.
17:22:53 13 BY MS. BREMER:
17:22:53 14 Q. Okay. I'm also going to look back at the
17:23:07 15 June -- I think that's right.
17:23:23 16 MR. GARCIA: She's looking for the June 2nd
17:23:25 17 e-mail by you.
17:23:28 18 THE WITNESS: Okay.
17:23:32 19 MS. BREMER: And also -- so Exhibits 30 and
17:23:35 20 31.
17:23:36 21 THE WITNESS: 30 and 31, okay.
17:23:45 22 Okay. I see -- okay. I've got them.
17:23:48 23 BY MS. BREMER:
17:23:49 24 Q. Okay. Looking back at Exhibit Number 30.
17:23:51 25 A. Uh-huh.

17:36:32 1 Q. And was this prepared by your group?
17:36:38 2 A. Yes.
17:36:39 3 Q. Did you prepare adverse impact analyses?
17:36:43 4 A. For -- for some groups prior to 2017,
17:36:50 5 depending.
17:36:51 6 Q. Did you conduct any adverse impact -- so
17:37:02 7 what was this adverse impact analysis analyzing?
17:37:08 8 A. I'd have to -- I don't remember. I would
17:37:13 9 imagine it would be hires. It would be the work
17:37:18 10 flow, because -- I think, or maybe not, let's see. I
17:37:33 11 believe it would have been a hires analysis. Yeah,
17:37:40 12 we didn't do -- didn't do compensation adverse
17:37:44 13 impact, if that's where you're going with this. So
17:37:47 14 it would have been a hires one.
17:37:49 15 MS. CONNELL: And just for the record, this
17:37:51 16 exhibit should be marked confidential.
17:38:13 17 MS. BREMER: I'd like to mark as Exhibit
17:38:19 18 38, a document Bates labeled ORACLE_HQCA 695 to 698.
17:38:19 19 (Marked for identification Exhibit 38.)
17:38:27 20 BY MS. BREMER:
17:38:27 21 Q. Is Exhibit 38 a true and correct copy of
17:38:46 22 the e-mails that you --
17:38:48 23 A. Can I have a minute to take a look at it?
17:38:51 24 Q. Sure. Is this a true and correct copy of
17:39:18 25 the e-mail that you sent to Hoan Luong of OFCCP on or

17:39:24 1 about October 29th, 2015?
17:39:26 2 A. If you can give me a minute just to -- to
17:39:30 3 finish looking at it.
17:40:15 4 Q. That was the last exhibit. Are you done
17:40:17 5 looking --
17:40:17 6 A. Yeah.
17:40:17 7 Q. -- at Exhibit 38?
17:40:18 8 A. Yeah, there was just question in my mind,
17:40:21 9 I'm sorry.
17:40:33 10 Yes.
17:40:36 11 Q. Okay. And the numbered -- the portions of
17:40:42 12 Exhibit 38 that are in bolder print --
17:40:45 13 A. Uh-huh.
17:40:46 14 Q. -- are those OFCCP's questions to you for
17:40:51 15 requests for information to OFCCP?
17:40:53 16 A. Yes.
17:40:54 17 Q. And then your responses are in the lighter
17:40:59 18 print; is that right?
17:40:59 19 A. Yes.
17:41:00 20 Q. And the first -- the first request is a
17:41:16 21 request for internal pay equity analyses conducted
17:41:20 22 during the past three years, as required by the
17:41:22 23 regulations. Correct?
17:41:25 24 A. Uh-huh.
17:41:25 25 Q. And in response to OFCCP's request for

STATE OF ARIZONA)
COUNTY OF MARICOPA)

CERTIFICATE

I, ROBIN L. B. OSTERODE, Certified Reporter for the State of Arizona and Certified Shorthand Reporter for the State of California certify:

That the foregoing proceeding was taken by me; that I am authorized to administer an oath; that any witness, before testifying, was duly sworn to testify to the whole truth; that the questions and answers were taken down by me in shorthand and thereafter reduced to print by computer-aided transcription under my direction; that the foregoing pages are a full, true, and accurate transcript of all proceedings, to the best of my skill and ability.

I FURTHER CERTIFY that I am in no way related to nor employed by any of the parties hereto, nor am I in any way interested in the outcome hereof.

DATED this 12th day of May, 2019.

Robin L. B. Osterode

ROBIN L. B. OSTERODE, CSR, RPR
CA CSR No. 7750
AZ CR No. 50695

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS, UNITED STATES DEPT. OF LABOR V. ORACLE AMERICA, INC.
OALJ CASE NO. 2017-OFC-00006

DEPOSITION ERRATA SHEET FOR THE DEPOSITION OF SHAUNA HOLMAN-HARRIES, TESTIFYING ON BEHALF OF ORACLE AMERICA, INC.
TAKEN ON MAY 8, 2019

PAGE(S): LINE(S)	CURRENT TEXT	CORRECTED TEXT	REASON FOR CHANGE
26:10; 26:14	Tobi MacIntyre	Tobi Mcintyre	Correction for spelling.
43:11; 43:25; 153:22-23	Chung Ko	Chun-Ko	Correction for spelling.
50:15; 50:16; 286:13	Arthur Roscoe	Arthur Orozco	Correction for spelling.
81:14; 81:15	Timmy Baxter	Timi Baxter	Correction for spelling.
89:2	Hand-on-hand	Hand-in-hand	Transcription error.
132:16; 132:22; 149:2	Sherman	Schurman	Correction for spelling.
80:6-10	Our plan is disseminated to all managers with employees in the U.S. and Puerto Rico. We – the plan is posted internally for our managers to be able to access. In addition to that – and also – and any employee to be able to access.	The narrative portion of the plan is disseminated to all managers with employees in the U.S. and Puerto Rico. The narrative portion of the plan is also posted internally for our managers and employees to be able to access.	Correction for accuracy consistent with clarification made at 169:12-21.

DEPOSITION ERRATA SHEET FOR THE DEPOSITION OF SHAUNA HOLMAN-HARRIES, TESTIFYING ON BEHALF OF ORACLE AMERICA, INC.

PAGE(S): LINE(S)	CURRENT TEXT	CORRECTED TEXT	REASON FOR CHANGE
1890:1	I believe I did.	I believe this was submitted to OFCCP during its audit of Cambridge. I do not know whether this was submitted in response to OFCCP's requests relating to the audit of HQCA or any others. I would have to check the emails to know for sure.	Correction for accuracy consistent with clarification at 222:23-223:15.
262:11	No.	I do not oversee any manager's actual analysis with respect to employee compensation. My oversight role is limited to understanding that managers do an analysis.	Correction for accuracy consistent with clarification at 268:4-14.
272:19-21	I referred them to the interview, their notes of the interview, that they already --	I referred them to the interview, not their notes of the interview.	Correction for accuracy consistent with clarification at 218:6-7.
278:8-9	Yeah, I recognize this as part of that.	Yes, I recognize this but I do not believe I sent this version of the spreadsheet to OFCCP.	Correction for accuracy consistent with Defendant's counsel's May 13, 2019 email to Plaintiff's counsel.

I believe that the transcription of my May 8, 2019 deposition is correct, subject to the changes listed in this errata sheet.

Date: June 10, 2019

Shauna Holman-Harries

Shauna Holman-Harries

EXHIBIT 3

EXHIBIT 3

AFFIRMATIVE ACTION PLAN

for

Oracle America

January 2014

NOTICE: This document contains confidential information. Oracle will provide information on these plans as is legally required. Any release of the affirmative action plan, either in statistical or narrative form, is prohibited. This plan does not constitute a legal document. It is an analysis used as a management tool and for review by the federal government.

Exhibit No. 21
Witness name:
S. Holman-Harries
Date: 05/08/19
Robin L. B. Osterode, CSR, RPR

COMPANY IDENTIFICATION

Federal Identification Number:	94-2805249
Inclusive Dates of the Plan:	1/1/2014 - 12/31/2014
Individual Responsible for Plan Implementation:	Shauna Holman-Harries Director Diversity Compliance (602) 333-9112
	Safra Catz President 500 Oracle Parkway Redwood Shores, CA 94065 (650) 506-7000

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STATEMENT OF CONFIDENTIALITY

This affirmative action plan contains confidential, trade secret, and commercial information that is subject to the provisions of 18 U.S.C. S 1905. Chrysler Corp. v. Brown, 441 U.S. 281, 19 FEP Cases 475 (1979).

Copies of this affirmative action plan and all related appendices, documents and supporting data are made available on a loan basis to the United States government upon the request of said government on the condition that the government hold them totally confidential and not release copies under any circumstances. This affirmative action plan, its appendices, and other supporting documents contain confidential information that may reveal Oracle's future business plans and strategies. This affirmative action plan is exempt from disclosure, reproduction and distribution under the Freedom of Information Act upon the grounds, among others, that such material constitutes (1) personnel information which is exempt from disclosure under 5 U. S. C.S 552 (b) (6); (2) confidential, commercial or financial information which is exempt from disclosure under 5 U.S.C.S 552(b)(4); (3) investigatory records compiled for law enforcement purposes, the reproduction of which is exempt from disclosure under 5 U.S.C. S 552(b)(7)(C); and (4) matters specifically exempt from disclosure by statute, which are exempt from disclosure under 5 U. S - C - S 552 (b) (3). Notice is hereby given pursuant to 41 C.F.R. 60-60.4(d) that Oracle intends this plan to be kept confidential.

Oracle does not consent to the release of any information contained in this affirmative action plan under the Freedom of Information Act or otherwise. If the United States government, or any agency or subdivision thereof, intends to breach the conditions under which this affirmative action plan is loaned to the government, or is considering a request for release of this plan under the Freedom of Information Act, request is hereby made that the government immediately notify Dorian Daley, General Counsel, 500 Oracle Parkway, Redwood Shores, CA 94065, making no such disclosure until a reasonable time for the Company to respond has been allowed.

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STATEMENT OF CONFIDENTIALITY (Cont'd)

Oracle expects that anyone who has any contact with this affirmative action plan, or its supporting appendices, documents and other data, treat such information as confidential and that such information not be disclosed for any purpose.

Oracle employees and consultants who have any contact with the information contained in or related to this affirmative action plan have signed proprietary information agreements, or other confidentiality agreements, and by contract cannot disclose such information without prior express written consent of the Company.

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SPECIAL TERMINOLOGY

Certain terminology is used throughout this plan to satisfy requirements of consistency and identification under applicable regulations and laws. The terms *utilization analysis, utilization problem area, adverse impact* and others appearing in this plan, are terms Oracle uses to be consistent with government regulations. These terms are not necessarily significant on a legal or factual level. Although these terms are used in connection with Oracle's affirmative action program, such usage does not necessarily indicate that Oracle agrees that these terms factually or legally describe any circumstance or situation at Oracle. This affirmative action plan is voluntarily adopted consistent with Oracle's obligation as a federal contractor. The plan in no way constitutes an admission that Oracle has, at any time, discriminated against any person or persons.

To the extent various goals are identified and established in this plan, these goals are derived from statistical analysis required by the government. It is not conceded that any such goal realistically establishes affirmative action parity. Nor should it be interpreted that in attempting to achieve such goals, Oracle will use them to discriminate in any inverse way against applicants or employees based upon any prohibited factor.

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ORACLE'S EQUAL EMPLOYMENT OPPORTUNITY

Policy Statement

We believe in treating each employee and applicant for employment fairly and with dignity. We base our employment decisions on merit, experience, and potential, without regard to race, color, national origin, sex, marital status, sexual orientation, gender identity, age, religion, disability, protected veteran status, or any other characteristic prohibited by federal, state or local law. Oracle's employment philosophy is to provide a working environment that inspires achievement without consideration to any prohibited factor. Oracle emphasizes achievement, self-motivation, and encourages high self-expectations.

Oracle recruits, hires, trains, and promotes persons in all job groups without regard to race, color, national origin, sex, marital status, sexual orientation, gender identity, age, religion, disability, protected veteran status, or any other characteristic prohibited by federal, state or local law. Oracle strives to ensure that all personnel actions are administered consistently with Oracle's commitment to EEO and the furtherance of AA.

Oracle is committed to providing a work environment that is free of discrimination. Oracle does not tolerate harassment of any kind, including harassment based on race, color, national origin, sex, marital status, sexual orientation, gender identity, age, religion, disability, protected veteran status, or any other characteristic prohibited by federal, state or local law. Unlawful harassment may take many forms, including verbal, visual, or physical conduct that creates an offensive, hostile, or intimidating work environment.

Oracle has developed a written Affirmative Action Program for qualified individuals with disabilities and qualified protected veterans. This Affirmative Action Program is available for inspection by any employee or applicant for employment upon request, during normal business hours at Oracle offices. Interested persons should contact the Director Diversity Compliance at (650)506-7000.

Oracle has appointed the Director Diversity Compliance to manage the Equal Employment Opportunity function. These responsibilities include monitoring all Equal Employment Opportunity activities and reporting the effectiveness of this AA plan, as required by Federal, State, and Local agencies.

Date 3/05/2014

Safra Catz, President

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RESPONSIBILITY FOR IMPLEMENTATION

The Director Diversity Compliance administers the AA plan. Additionally, where appropriate or necessary, the Director may coordinate or consult with others at Oracle, including but not limited to Oracle's Human Resources and Legal Departments.

Implementation Guidelines

- Developing the EEO policy.
- Preparing and updating the AA plan and ensuring consistency with Oracle's EEO obligations.
- Implementing AA/EEO program and ensuring appropriate internal and external dissemination of the plan and policies.
- Assisting managers with AA/EEO challenges and ensuring regulatory and policy compliance.
- Designing and implementing systems to determine if Oracle's AA plan goals and objectives are met.
- Networking with community based organizations (CBO) that encourage employment opportunities of minorities, women, protected veterans, and disabled people.
- Communicating to executive management AA goals and action programs that provide solutions to address goals and deficiencies.
- Communicating AA goals to all members of Oracle's management to ensure that Oracle managers understand their responsibility and Oracle's commitment to AA/EEO.
- Working with relevant and applicable governmental enforcement agencies.
- Providing diversity career fair information to the Recruitment Department to assist in the recruitment of women, minorities, disabled individuals and protected veterans.
- Periodically reviewing personnel processes to ensure freedom from stereotyping against any applicants or employees, including on the basis

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of disability or protected veteran status, in a manner that limits access to jobs for which these individuals are qualified.

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DEVELOPMENT AND EXECUTION OF ACTION PROGRAMS

Oracle's primary and most effective program for the furtherance of Affirmative Action is its unswerving commitment to seeking out and hiring qualified individuals in a completely non-discriminatory fashion and to developing and promoting its employees wherever possible based upon individual merit and demonstrated potential.

Oracle's action oriented programs have been established to support the inclusion of women, minorities, protected veterans, and disabled workers in a number of ways including: recruitment; advancement and retention of talent (recruit, retain and advance the best talent); performance; talent optimization; and employee engagement. Oracle's management believes that diverse employee engagement drives results and is good for employees and the company.

Internal Communications

Employee Orientation

Oracle informs new employees of Oracle's EEO policy at the time of hire and during Oracle's *New Employee Orientation*. Additionally, Oracle provides employees access to its Employee Handbook and its Code of Ethics and Business Conduct, each of which includes additional details on EEO and related issues.

Job Posting

Oracle posts open positions up to and including Sr. Director level jobs using an online internal job post system. This process is regularly audited for compliance. All employees have full access to the job post system.

Dimensions of Diversity Newsletter

The value of employee differences is continually reinforced in the *Dimensions of Diversity Newsletter*. This newsletter is an exciting opportunity for Oracle U.S. employees to find out what Oracle is doing in the area of diversity and inclusion. It provides information on upcoming events, webinars, and other opportunities for

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development; information on community outreach; and is the primary employee communication for diversity news.

Job Posting Process

Oracle has fully integrated systems that promote diversity including:

- Online access to Job Posts through the internet and electronic links to Women, Minority, Disability, and Protected Veteran Organizations
- Posting with State Agencies
- Reasonable accommodation for persons with disabilities who may need extra assistance to apply for jobs at Oracle
- Automated Applicant Tracking Workflow & Manager Notification
- Resume and Applicant Tracking Software electronic record keeping

Diverse Recruiting and Hiring

Recruiters at Oracle seek out a diverse slate of candidates when possible by providing managers an expanded base of top quality talent of women, minorities, protected veterans and people with disabilities.

Recruitment resources such as job fairs are available through the recruiting team at Oracle that hiring managers can leverage and recruit from to address affirmative action goals. In addition to recruiting at these fairs, Oracle also promotes Oracle technology, reputation, value, and leaders as speakers on panels branding Oracle as a "Destination Employer/Employer of Choice" for minorities, women, protected veterans, disabled individuals, etc.

Internship Programs, Scholarships and Educational Outreach

Internships at Oracle are a recruitment source that can be used to increase the representation of diverse talent. For example, Oracle's 1-Year Internship Program and Injured Veterans Program have resulted in hires. Both of these programs are serving as diversity pipeline for Oracle. Oracle is also committed to opening access to technology education and closing the digital divide. We provide scholastic scholarships and educational outreach to underrepresented groups majoring in IT-related fields.

Career and Leadership Development Sessions and Conferences

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Career and Leadership development is a tool that can assist with promotions at Oracle. By equipping employees with development opportunities to grow and become more successful, the pool of top talent is expanded and diverse. More employees are available for their next career opportunity. Employees feel valued and supported which in turn increases their commitment to their company. This allows Oracle to keep top diverse talent and to increase it to meet its Affirmative Action goals.

Oracle Women's Leadership (OWL) program is an inclusive program created by women leaders at Oracle. OWL creates local and global opportunities that support, educate, and empower current and future generations of women at Oracle.

Branding, Community Outreach and Sponsorships

Oracle attracts top talent to work at Oracle by participating in community outreach and sponsoring diversity related events. By creating a strong community outreach and sponsorship program Oracle attracts applicants and retains employees that want to know that Oracle not only provides an inclusive environment internally but externally as well. Applicants and employees want to know that Oracle is involved in its communities and shares the differences it makes in all communities.

Cultural Awareness Celebrations

Rather than creating an environment where diversity isn't talked about, Oracle celebrates employee diversity with cultural awareness celebrations. These celebrations assist in increasing cultural awareness at Oracle by breaking down feelings of isolation that can occur due to differences created by race/ethnicity, disability, gender, protected veterans' status, etc. Some of the programs that are celebrated at Oracle are: Black History Month, Gay Pride Week, Hispanic Heritage Month, and Diwali, among others.

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REPORTING AND INTERNAL AUDITING SYSTEM

The Director Diversity Compliance is responsible for implementing an effective auditing and reporting system. This includes analyzing the results of employment actions on a regular basis to determine their impact on Oracle's AA/EEO objectives. The Director Diversity Compliance reviews problem areas and progress, communicates with management and legal as appropriate, and makes recommendations regarding annual goals.

Oracle develops and analyzes Internal Audit Reports to assess performance in at least the following areas:

- Applicant Tracking
- Hires
- Promotions
- Terminations
- Compensation

Identification of Problem Areas

Oracle continues to make significant efforts in locating qualified minorities and women, and aggressively pursues qualified candidates in a competitive market. Oracle promotes diversity to attract and employ qualified minorities and women across the nation. Although the overall representation of women and minorities at Oracle is good, African American, Latino, and female utilization in some job groups needs improvement. Improvement of utilization in specific job groups is addressed through the development of recruiting strategies and mentoring programs, and is addressed by organization and location. Additionally, Oracle has a job posting system that makes all available vacancies known to applicants and employees.

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INDIVIDUALS WITH DISABILITIES, VETERANS OF THE VIETNAM ERA AND OTHER PROTECTED VETERANS

General Policy Statement

Oracle is committed to ensuring an environment for all employees that supports and rewards employee performance on the basis of merit and potential. Oracle prohibits discrimination against or harassment of an employee or candidate for employment because of a disability or protected veteran status. This policy is also incorporated into Oracle's overall Equal Employment Opportunity policy.

Oracle makes good faith efforts to attract and retain employees with disabilities, veterans, protected veterans, special disabled and other persons and creates partnerships with community based organizations to create inroads and foster understanding of issues faced by employees and applicants. A current list of partnerships and good faith efforts is available upon request. Applicants and employees are asked to voluntarily identify themselves if they have (or have had) a disability and/or are a protected veteran. Oracle's internal processes encourage consideration of the job qualifications of applicants with disabilities, known disabled veteran applicants, Vietnam Era veteran applicants, and other protected veteran applicants for job vacancies filled through hiring or promotion. Additionally, on at least an annual basis, Oracle reviews the outreach and recruitment efforts it has taken over the previous twelve months to evaluate their effectiveness in identifying and recruiting qualified protected veterans and qualified individuals with disabilities.

In offering employment to individuals with disabilities, Oracle does not reduce the amount of compensation offered because of any disability income, pension, or other benefit the applicant or employee receives from another source.

Reasonable Accommodations for Individuals with Disabilities

Oracle provides reasonable accommodations for applicants and employees with disabilities in accordance with individual needs, business realities, and applicable laws and regulations. Examples include, but are not limited to, job retraining, an adjusted work schedule, special equipment or transportation, medical leave or job modification to

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optimize job performance. Additional information about Oracle's reasonable accommodation process and policy are found in Oracle's Employee Handbook.

No Retaliation

Employees and applicants shall not be subjected to harassment, intimidation, threats, coercion or discrimination because they have engaged in or may engage in any of the following activities:

- Filing a complaint or assisting or participating in an investigation, compliance evaluation, hearing, or any other activity related to the administration of:
  - (1) Section 503 of the Rehabilitation Act of 1973, as amended, its implementing regulations or any other federal, state, or local laws requiring equal opportunity for individuals with disabilities; or
  - (2) the affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (VEVRAA) or any other Federal, state or local law requiring equal opportunity for disabled veterans, recently separated veterans, active duty wartime or campaign badge veterans, Armed Forces service medal veterans, or other protected veteran; or
- Opposing any act or practice made unlawful by
  - (1) Section 503, as amended, its implanting regulations or any other federal, state, or local laws requiring equal opportunity for individuals with disabilities; or
  - (2) VEVRAA's affirmative action provisions, its implementing regulations, or any other Federal, state or local law requiring equal opportunity for disabled veterans, recently separated veterans, active duty wartime or campaign badge veterans, Armed Forces service medal veterans, or other protected veteran; or
- Exercising any other right protected by Section 503 and/or its implanting regulations or VEVRAA and/or its implementing regulations.

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Audit and Reporting System

Oracle evaluates the effectiveness of its affirmative action program by:

(1) Measuring the effectiveness of its affirmative action program;
(2) Indicating any need for remedial action;
(3) Determining the degree to which its objectives have been attained;
(4) Determining whether disabled individuals and known protected veterans have had the opportunity to participate in all company sponsored educational, training, recreational and social activities;
(5) Measuring its program's compliance with the affirmative action program's specific obligations;
(6) Documenting the actions taken to meet its affirmative action obligations and retaining these documents as employment records subject to the recordkeeping requirements of §§ 60-300.80 and 60-741.80; and
(7) Undertaking necessary action to bring its program into compliance when its affirmative action program is found to be deficient.

Implementation Responsibility

This policy and the company's affirmative action program are supported by Oracle's executives, including Larry Ellison, Chief Executive Officer, Safra A. Catz, President and Chief Financial Officer and Mark Hurd, President. The Director Diversity Compliance has been assigned and given senior management support to manage the overall responsibilities for the implementation of affirmative action activities at Oracle. These responsibilities include monitoring all affirmative action Equal Employment Opportunity activities and reporting the effectiveness of this affirmative action plan, as required by Federal, State, and Local agencies.

Development & Execution of Affirmative Action Programs

Oracle's personnel processes, including processes related to hiring, training and promotions, have been evaluated to ensure freedom from stereotyping protected veterans, disabled, special disabled and other persons in a manner which limits their access to jobs for which they are qualified. Oracle also periodically reviews its personnel processes to ensure this

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obligation is carried out, and makes necessary revisions or implements new processes when appropriate.

Oracle will periodically review, including each time a job is posted, the physical and mental job qualifications to assure that they are job related and consistent with business necessity and do not necessarily exclude the disabled from employment opportunities. Information obtained regarding physical and/or mental conditions is maintained on a confidential basis.

Other Implementation of Affirmative Action Programs

- Oracle trains and disciplines personnel involved in recruitment, screening, selection, and promotion to ensure that Oracle's EEO policies are followed.
- Oracle at least twice a year disseminates information about affirmative action policies within the company in order to ensure greater employee cooperation and participation.
- Oracle monitors and reports on the effectiveness of its affirmative action program as a whole and for persons with disabilities, protected veterans, and veterans of the Vietnam era. Where its affirmative action program is found to be deficient, Oracle undertakes appropriate efforts to address deficiencies.

Oracle's Injured Veterans Internship Program

Oracle's Injured Veteran Internship Program is a 1 year paid internship created to enhance the professional and personal development of service members injured in Iraq and Afghanistan.

Oracle's original goal was to transition the interns from the Military into Corporate life by providing them with skills and coaches. Oracle has expanded the goal to transition veterans from interns to regular hires when a job opening is available that fits an intern's particular skills.

Interns are assigned internal coaches who are veterans from the cadre of Oracle managers and each line of business (LOB) that supports the program has an executive sponsor at the VP or above level. Veterans can engage in on the job training across the fields of information technology, technical/systems consulting, technical support, finance, human resources, sales, marketing, financials, and developmental training in sales and customer support.

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Managing Within the Law

Oracle provides all employees with the opportunity to take a course called *Managing within the Law* that provides training on the goals of Oracle's EEO/AA/Protected Veterans and Disabled. This course focuses on educating participants on the lawful treatment of employees at Oracle.

Online EEO/AA/ Compliance Training

Oracle expects all managers to be familiar with its EEO policy and practices, including Disabled and Protected Veterans AAP compliance. This online training is accessible to all employees.

Any employee who believes Oracle has not fulfilled its obligation under Section 503 of the Rehabilitation Act, the Vietnam Era Veteran Readjustment Assistance Act, or the Americans with Disabilities Act may file a complaint with Human Resources, or the Director Diversity Compliance.

CONFIDENTIAL ORACLE_HQCA_0000005015

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0AJW - Corporate Marketing HQ

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Market Research Analyst 3	[redacted]	2	[redacted]					[redacted]				
	Business Analyst 4-Ops		2										
	Market Research Analyst 4		2										
	Market Research Analyst 5		2										
	Marketing Comm / PR Specialist 5		2										
	Marketing Research Snr Manager		1.2										
	Product Marketing Analyst 4		2										
	Marketing Research Director		1.2										
	Product Marketing Analyst 5		2										
	Business Planning Director-Ops		1.2										
	Business Development Snr Director		1.2										
	Business Planning Snr Director-Ops		1.2										
	IT Director		1.2										
	Marketing Research Snr Director		1.2										
	Marketing Research VP		1.2										
	Business Analyst 1-Ops		2										

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0AJW - Corporate Marketing HQ

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Senior Administrative Assistant	[redacted]	2	[redacted]									
	Marketing SVP		1.1										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0AJX - Integrated Marketing

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Product Marketing Analyst 3	[redacted]	2	[redacted]									
	Market Research Analyst 4	[redacted]	2	[redacted]									
	Marketing Comm / PR Specialist 4	[redacted]	2	[redacted]									
	Market Research Analyst 5	[redacted]	2	[redacted]									
	Marketing Comm / PR Snr Manager	[redacted]	1.2	[redacted]									
	Marketing Comm / PR Specialist 5	[redacted]	2	[redacted]									
	Product Marketing Analyst 4	[redacted]	2	[redacted]									
	Marketing Research Director	[redacted]	1.2	[redacted]									
	Product Marketing Analyst 5	[redacted]	2	[redacted]									
	Marketing Comm / PR Director	[redacted]	1.2	[redacted]									
	Marketing Comm / PR Snr Director	[redacted]	1.2	[redacted]									
	Marketing Research Snr Director	[redacted]	1.2	[redacted]									
	Product Marketing Snr Director	[redacted]	1.2	[redacted]									
	Marketing Comm / PR VP	[redacted]	1.2	[redacted]									
	Marketing Research VP	[redacted]	1.2	[redacted]									
	Senior Administrative Assistant	[redacted]	2	[redacted]									

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0AJX - Integrated Marketing

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Graphics Designer 4-Mkt	[redacted]	2	[redacted]									
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0AKR - AIT, EIT, MOS IT, AND Sun Impl. IT

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific - Islander*	*Two or more races*
	Market Research Analyst 3	[redacted]	2	[redacted]									
	Product Manager/Strategy 3-ProdDev		2										
	Project Manager 3		2										
	Database Administrator 3-IT		2										
	Business Analyst 4-Ops		2										
	IT Business Implementation Analyst 4		2										
	QA Analyst 4-ProdDev		2										
	Software Developer 3		2										
	Programmer Analyst 4-IT		2										
	Systems Analyst 4-IT		2										
	Applications Developer 4		2										
	Database Administrator 4-IT		2										
	IT Manager		1.2										
	Product Manager/Strategy 4-ProdDev		2										
	Program Manager 4-ProdDev		1.2										
	Project Manager 4		2										

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0AKR - AIT, EIT, MOS IT, AND Sun Impl. IT

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	QA Manager-ProdDev	[redacted]	1.2	[redacted]									
	Software Developer 4		2										
	System Administrator 4-IT		2										
	User Experience Developer 4-ProdDev		2										
	IT Security Analyst 4		2										
	Network/Telecom Systems Analyst 4-IT		3										
	Programmer Analyst 5-IT		2										
	Technical Architect 4		2										
	Database Administrator 5-IT		2										
	IT Business Implementation Analyst 5		1.2										
	IT Security Analyst 5		2										
	Program Manager 5-ProdDev		1.2										
	Software Development Manager		1.2										
	System Administrator 5-IT		2										
	Applications Developer 5		1.2										
	IT Snr Manager		1.2										

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0AKR - AIT, EIT, MOS IT, AND Sun Impl. IT

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Project Manager 5	[redacted]	2	[redacted]						[redacted]			
	Software Developer 5	[redacted]	2	[redacted]						[redacted]			
	Software Development Snr Manager	[redacted]	1.2	[redacted]						[redacted]			
	Applications Developer - Architect	[redacted]	1.2	[redacted]						[redacted]			
	IT Director	[redacted]	1.2	[redacted]						[redacted]			
	Program Mgmt Director-ProdDev	[redacted]	2	[redacted]						[redacted]			
	Software Development Director	[redacted]	1.2	[redacted]						[redacted]			
	Business Planning VP-Ops	[redacted]	1.2	[redacted]						[redacted]			
	IT Snr Director	[redacted]	1.2	[redacted]						[redacted]			
	Software Development Snr Director	[redacted]	1.2	[redacted]						[redacted]			
	IT VP	[redacted]	1.2	[redacted]						[redacted]			
	Product Support VP	[redacted]	1.2	[redacted]						[redacted]			
	Software Development VP	[redacted]	1.2	[redacted]						[redacted]			
	Administrative Assistant A3	[redacted]	5	[redacted]						[redacted]			
	Data Services Support A4-IT	[redacted]	3	[redacted]						[redacted]			
	Business Analyst 2-Ops	[redacted]	2	[redacted]						[redacted]			

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0AKR - AIT, EIT, MOS IT, AND Sun Impl. IT

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Senior Administrative Assistant	[redacted]	2	[redacted]									
	Programmer Analyst 2-IT		2										
	Applications Developer 2		2										
	Software Developer 2		2										
	Programmer Analyst 3-IT		2										
	System Administrator 3-IT		2										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0ANG - Analyst Relations

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Product Marketing Analyst 4	[redacted]	2	[redacted]			[redacted]						
	Product Marketing Analyst 5		2										
	Marketing Comm / PR Director		1.2										
	Product Marketing Director		1.2										
	Product Marketing Snr Director		1.2										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0ANH - Public Relations

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Business Development Consultant 3-Co	[redacted]	4	[redacted]					[redacted]				
	Marketing Comm / PR Specialist 4		2										
	Business Development Consultant 4-Co		4										
	Marketing Comm / PR Snr Manager		1.2										
	Marketing Comm / PR Director		1.2										
	Marketing Comm / PR VP		1.2										
	Marketing Comm / PR Specialist 1		2										
	Marketing Comm / PR Specialist 3		2										
Totals				[redacted]					[redacted]				

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0ANI - Internal Communications

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Product Marketing Snr Director	[redacted]	1.2	[redacted]						[redacted]			
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0ANK - Alliances Operations

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Business Planning Manager-Ops	[redacted]	1.2	[redacted]									
	Alliances Manager		1.2										
	Alliances Consultant 4		4										
	Business Development Consultant 4-Co		4										
	Alliances Consultant 5		4										
	Alliances Director		1.2										
	Business Development Consultant 5-Co		4										
	Business Development Director - Corp		1.2										
	Alliances Senior Director		1.2										
	Alliances Vice President		1.2										
	Business Development VP - Corp Plan		1.2										
	Sales SVP		1.1										
	Senior Administrative Assistant		2										
	Alliances Consultant 3		4										
Totals				[redacted]									

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0APS - Advanced Product Support - Field Service

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Total Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Systems Analyst 4-Support	[redacted]	2	[redacted]		[redacted]				[redacted]			
	Business Services Representative 5-S		2										
	Technical Account Representative (TA		2										
	Systems Analyst 5-Support		2										
	Program Manager 5-ProdDev		1.2										
	Services Sales Director		1.2										
	Systems Analyst 2-Support		2										
Totals				[redacted]		[redacted]				[redacted]			

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0ARV - On Demand - Global

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Customer Service Manager-Support	[redacted]	1.2	[redacted]									
	Customer Service Account Management		2										
	Systems Analyst 4-Support		2										
	Technical Analyst 4-Support		2										
	Systems Analyst 4-IT		2										
	Business Analyst 5-Ops		2										
	Customer Service Snr Manager-Support		1.2										
	IT Manager		1.2										
	Product Manager/Strategy 4-ProdDev		2										
	Program Manager 4-ProdDev		1.2										
	Project Manager 4		2										
	System Administrator 4-IT		2										
	IT Security Analyst 4		2										
	Master Principal Sales Consultant		4										
	Network/Telecom Systems Analyst 4-IT		3										
	Systems Analyst 5-Support		2										

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0ARV - On Demand - Global

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific islander	Two or more races
	Technical Analyst 5-Support	[redacted]	2	[redacted]									
	Network/Telecom Systems Analyst 5-IT		3										
	Product Manager/Strategy 5-ProdDev		2										
	Adv Customer Service Support Directo		1.2										
	Business Planning Director-Ops		1.2										
	Customer Service Director-Support		1.2										
	IT Snr Manager		1.2										
	Sales Consulting Snr Director		1.2										
	Business Planning Snr Director-Ops		1.2										
	Customer Service Snr Director-Suppor		1.2										
	Product Mgmt/Strategy Director-ProdD		1.2										
	Software Developer - Architect		1.2										
	IT Snr Director		1.2										
	Customer Service VP-Support		1.2										
	Software Development VP		1.2										
	Technical Analyst 2-Support	[redacted]	2										

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0ARV - On Demand - Global

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Senior Administrative Assistant	[redacted]	2	[redacted]									
	Business Analyst 3-Ops		2										
	Systems Analyst 3-Support		2										
	Technical Analyst 3-Support		2										
	System Administrator 3-IT		2										
	IT SVP		1.1										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE. HEADQUARTERS - CALIFORNIA

Department: 0ARZ - On Demand - Regional

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Customer Service Account Management	[redacted]	2	[redacted]					[redacted]				
	Services Renewal Snr Director		1.2										
	Adv Customer Service Support Snr Dir		1.2										
	Customer Service Snr Director-Suppor		1.2										
	Services Sales VP		1.2										
	Business Analyst 3-Ops		2										
Totals				[redacted]					[redacted]				

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0AVB - Retek

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Product Mgmt/Strategy Snr Director-P	[redacted]	1.2	[redacted]									
	Business Analyst 2-Ops		2										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0AWK - Global IT Security

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islanders*	*Two or more races*
	Project Manager 3	[redacted]	2	[redacted]									
Totals				[redacted]									

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0BDH - NAA HCM

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Telesales/Internet Sales Snr Manager	[redacted]	1.2	[redacted]									
	Associate Internet Sales Representat		4										
	Internet Sales Representative I		4										
	Internet Sales Representative II		4										
	Internet Sales Representative III		4										
	Applications Sales Representative II		4										
	Telesales/Internet Sales Manager		1.2										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0BHH - Acquistion GBUs

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Product Manager/Strategy 3-ProdDev	[redacted]	2	[redacted]					[redacted]			[redacted]	
	Product Support Manager		1.2										
	QA Analyst 3-ProdDev		2										
	Senior Sales Consultant		4										
	Technical Analyst 4-Support		2										
	Technical Writer 3-ProdDev		2										
	Applications Sales Representative IV		4										
	Applications Developer 3		2										
	QA Analyst 4-ProdDev		2										
	Senior Principal Consultant		2										
	Principal Sales Consultant		4										
	Applications Developer 4		2										
	Consulting Solution Manager		1.2										
	Consulting Technical Manager		1.2										
	Product Manager/Strategy 4-ProdDev		2										
	Program Manager 4-ProdDev		1.2										

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0BHH - Acquistion GBUs

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Technical Analyst 5-Support	[redacted]	2	[redacted]									
	Solution Specialist V		4										
	Applications Developer 5		1.2										
	Consulting Practice Director		1.2										
	Product Support Director		1.2										
	Software Development Snr Manager		1.2										
	User Experience Developer 5-ProdDev		2										
	Product Mgmt/Strategy Director-ProdD		1.2										
	Product Mgmt/Strategy Snr Director-P		1.2										
	Software Development Snr Director		1.2										
	Sales VP		1.2										
	Internet Sales Representative II		4										
	Telesales Business Development Repre		4										
	Telesales Business Development Repre		4										
	Technical Analyst 2-Support		2										
	Business Analyst 3-Ops		2										

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0BHH - Acquistion GBUs

Incl / Excl	*Job Title*	*Salary*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Senior Consultant	[redacted]	2	[redacted]			[redacted]				[redacted]		
	System Administrator 2-IT		2										
	Technical Analyst 3-Support		2										
	Applications Developer 2		2										
	QA Analyst 2-ProdDev		2										
	Software Developer 2		2										
	System Administrator 3-IT		2										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0BIZ - Security and Architecture

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	IT Business Implementation Analyst 3	[redacted]	2	[redacted]									
	Executive Protection Agent 4	[redacted]	2	[redacted]									
	Business Analyst 4-Ops	[redacted]	2	[redacted]									
	Business Process Analyst 4	[redacted]	2	[redacted]									
	Hardware Developer 3	[redacted]	2	[redacted]									
	IT Business Implementation Analyst 4	[redacted]	2	[redacted]									
	Senior Principal Consultant	[redacted]	2	[redacted]									
	Software Developer 3	[redacted]	2	[redacted]									
	Technology Sales Representative V	[redacted]	4	[redacted]									
	Corporate Affairs Snr Manager -Ops	[redacted]	1.2	[redacted]									
	Hardware Developer 4	[redacted]	2	[redacted]									
	Product Manager/Strategy 4-ProdDev	[redacted]	2	[redacted]									
	Software Developer 4	[redacted]	2	[redacted]									
	System Administrator 4-IT	[redacted]	2	[redacted]									
	IT Security Analyst 5	[redacted]	2	[redacted]									
	Product Manager/Strategy 5-ProdDev	[redacted]	2	[redacted]									

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0BIZ - Security and Architecture

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Total Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Security Director-Fac	[redacted]	1.2	[redacted]			[redacted]						
	Software Development Manager		1.2										
	System Administrator 5-IT		2										
	Business Planning Director-Ops		1.2										
	Hardware Developer 5		2										
	IT Snr Manager		1.2										
	Product Manager/Strategy 6-ProdDev		2										
	Software Developer 5		2										
	Software Development Snr Manager		1.2										
	Business Process Snr Director		1.2										
	Hardware Developer 6		2										
	IT Director		1.2										
	Product Mgmt/Strategy Director-ProdD		1.2										
	Software Developer - Architect		1.2										
	Software Development Director		1.2										
	Hardware Development Snr Director		1.2										

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0BIZ - Security and Architecture

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	IT Snr Director	[redacted]	1.2	[redacted]									
	Product Mgmt/Strategy Snr Director-P		1.2										
	Software Development Snr Director		1.2										
	Hardware Development VP		1.2										
	Security VP -Fac		1.2										
	Software Development VP		1.2										
	Associate Internet Sales Representat		4										
	Student / Intern		5										
	Administrative Assistant A3		5										
	Associate Internet Sales Consultant		4										
	Channel Sales Representative II		4										
	Security Specialist 3-Fac		2										
	Business Analyst 2-Ops		2										
	Senior Administrative Assistant		2										
	Corporate Affairs Specialist 3 - Ops		2										
	Business Analyst 3-Ops		2										

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0BIZ - Security and Architecture

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Telesales/Internet Sales Manager	[redacted]	1.2	[redacted]									
	Hardware Developer 2		2										
	Program Manager 2-ProdDev		2										
	Software Developer 2		2										
	System Administrator 3-IT		2										
	Product Development SVP		1.1										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0BNV - CRM OD Delivery

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Customer Service Snr Manager-Support	[redacted]	1.2	[redacted]									
	Product Support Sr. Manager	[redacted]	1.2	[redacted]									
	Technical Analyst 5-Support	[redacted]	2	[redacted]									
Totals				[redacted]									

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0BPH - ST & Applications Development

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Product Manager/Strategy 3-ProdDev	[redacted]	2	[redacted]									
	Program Manager 3-ProdDev		2										
	QA Analyst 3-ProdDev		2										
	Technical Writer 3-ProdDev		2										
	Applications Developer 3		2										
	Business Analyst 4-Ops		2										
	Market Research Analyst 4		2										
	QA Analyst 4-ProdDev		2										
	Software Developer 3		2										
	User Experience Developer 3-ProdDev		2										
	Programmer Analyst 4-IT		2										
	Technical Writer 4-ProdDev		2										
	Applications Developer 4		2										
	Business Analyst 5-Ops		2										
	Course/Curriculum Dev 5-Training		2										
	Course/Curriculum Dev Snr Mgr - Trai		1,2										

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0BPH - ST & Applications Development

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Database Administrator 4-IT	[redacted]	2	[redacted]									
	Development Systems Administrator 4		2										
	IT Manager		1.2										
	Product Manager/Strategy 4-ProdDev		2										
	Program Manager 4-ProdDev		1.2										
	Project Manager 4		2										
	QA Analyst 5-ProdDev		2										
	QA Manager-ProdDev		1.2										
	Release Developer 4		2										
	Software Developer 4		2										
	System Administrator 4-IT		2										
	Technical Writer Manager-ProdDev		1.2										
	User Experience Developer 4-ProdDev		2										
	IT Security Analyst 4		2										
	Network/Telecom Systems Analyst 4-IT		3										
	Programmer Analyst 5-IT		2										

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0BPH - ST & Applications Development

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Technical Writer 5-ProdDev	[redacted]	2	[redacted]									
	Course/Curriculum Dev Director - Tra		1.2										
	Database Administrator 5-IT		2										
	Development Systems Administrator 5		2										
	Product Manager/Strategy 5-ProdDev		2										
	Product Mgmt/Strategy Manager-ProdDe		1.2										
	Program Manager 5-ProdDev		1.2										
	Program Mgmt Manager-ProdDev		1.2										
	QA Snr Manager-ProdDev		1.2										
	Release Developer 5		1.2										
	Software Development Manager		1.2										
	Technical Writer Snr Manager-ProdDev		1.2										
	Applications Developer 5		1.2										
	Business Development Consultant 5-Co		4										
	IT Snr Manager		1.2										
	Product Manager/Strategy 6-ProdDev		2										

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Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0BPH - ST & Applications Development

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Product Mgmt/Strategy Snr Manager-Pr	[redacted]	1.2	[redacted]									
	Program Mgmt Sr Manager-ProdDev		1.2										
	Project Manager 5		2										
	QA Director-ProdDev		1.2										
	Software Developer 5		2										
	Software Development Snr Manager		1.2										
	Technical Writer Director-ProdDev		1.2										
	User Experience Developer 5-ProdDev		2										
	Applications Developer - Architect		1.2										
	Business Development Snr Director -		1.2										
	Course/Curriculum Dev Snr Director -		1.2										
	IT Director		1.2										
	Product Marketing Snr Director		1.2										
	Product Mgmt/Strategy Director-ProdD		1.2										
	Program Mgmt Director-ProdDev		2										
	QA Snr Director-ProdDev		1.2										

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Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0BPH - ST & Applications Development

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Software Developer - Architect	[redacted]	1.2	[redacted]				[redacted]			[redacted]		
	Software Development Director		1.2										
	Technical Writer Snr Director-ProdDe		1.2										
	IT Snr Director		1.2										
	Product Mgmt/Strategy Snr Director-P		1.2										
	Program Mgmt Sr Director-ProdDev		1.2										
	Software Development Snr Director		1.2										
	Technical Writer VP-ProdDev		1.2										
	Business Development VP - Corp Plan		1.2										
	Course/Curriculum Dev VP - Training		1.2										
	IT VP		1.2										
	Product Mgmt/Strategy VP-ProdDev		1.2										
	Program Mgmt VP-ProdDev		2										
	QA VP-ProdDev		1.2										
	Software Development VP		1.2										
	Administrative Assistant A3		5										

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Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0BPH - ST & Applications Development

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Training Coordinator-A4	[redacted]	5	[redacted]									
	Course/Curriculum Dev 2-Training		2										
	Marketing Comm / PR Specialist 2		2										
	Business Analyst 2-Ops		2										
	Product Marketing Analyst 1		2										
	Senior Administrative Assistant		2										
	Applications Developer 1		2										
	Software Developer 1		2										
	Database Administrator 2-IT		2										
	System Administrator 2-IT		2										
	Applications Developer 2		2										
	Course/Curriculum Dev 3-Training		2										
	Marketing Comm / PR Specialist 3		2										
	Product Manager/Strategy 2-ProdDev		2										
	Program Manager 2-ProdDev		2										
	QA Analyst 2-ProdDev		2										

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Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0BPH - ST & Applications Development

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Software Developer 2	[redacted]	2	[redacted]		[redacted]			[redacted]				
	User Experience Developer 2-ProdDev		2										
	Graphics Designer 4-Mkt		2										
	Programmer Analyst 3-IT		2										
	System Administrator 3-IT		2										
	Executive Vice President-Ops		1.1										
	Product Development SVP		1.1										
Totals				[redacted]		[redacted]			[redacted]				

Incl - employee is included in this plan and department
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Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0BQH - SUN Integration

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Buyer 4-Fin	[redacted]	2	[redacted]									
	Financial Analyst 4		2										
	Manufacturing Test Manager		1.2										
	Master Scheduler 4		2										
	Product Support Manager		1.2										
	Program Manager 3-ProdDev		2										
	QA Analyst 3-ProdDev		2										
	Senior Sales Consultant		4										
	Supply Chain Analyst 4		2										
	Technical Analyst 4-Support		2										
	Business Process Analyst 4		2										
	Process Manufacturing Analyst 4		2										
	Quality Assurance Specialist 4		2										
	Software Developer 3		2										
	Business Analyst 5-Ops		2										
	Course/Curriculum Dev Snr Mgr - Trai		1.2										

Incl - employee is included in this plan and department
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Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0BQH - SUN Integration

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Mfg & Distribution Snr Manager	[redacted]	1.2	[redacted]				[redacted]				[redacted]	
	Program Manager 4-ProdDev		1.2										
	Software Developer 4		2										
	Master Principal Sales Consultant		4										
	Technical Analyst 5-Support		2										
	Mfg & Distribution Director		1.2										
	Product Marketing Analyst 5		2										
	Supply Chain Snr Manager		1.2										
	Sales Consulting Director		1.2										
	Business Planning Director-Ops		1.2										
	Product Support Director		1.2										
	Software Developer 5		2										
	Software Development Snr Manager		1.2										
	Business Planning Snr Director-Ops		1.2										
	Product Mgmt/Strategy Director-ProdD		1.2										
	Software Development Director		1.2										

Incl - employee is included in this plan and department
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Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0BQH - SUN Integration

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Business Planning VP-Ops	[redacted]	1.2	[redacted]									
	Supply Chain VP		1.2										
	Services Sales SVP		1.2										
	Telesales Business Development Repre		4										
	Business Analyst 1-Ops		2										
	Inventory Control Analyst 2		2										
	Master Scheduler 1		2										
	Services Renewal Representative IV		4										
	Supply Chain Analyst 2		2										
	Logistics Analyst 3		2										
	QA Analyst 1-ProdDev		2										
	Senior Administrative Assistant		2										
	Master Scheduler 3		2										
	Business Analyst 3-Ops		2										
	Customer Service Analyst 3-Support		2										
	Field Support Specialist 3	[redacted]	2										

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0BQH - SUN Integration

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Supply Chain Analyst 3	[redacted]	2	[redacted]				[redacted]					
	Technical Analyst 3-Support		2										
	Course/Curriculum Dev 3-Training		2										
	Logistics Analyst 4		2										
	Product Manufacturing Analyst 3		2										
	Program Manager 2-ProdDev		2										
	QA Analyst 2-ProdDev		2										
	Software Developer 2		2										
	Corporate SVP-Ops		1.1										
	Support SVP		1.1										
Totals				[redacted]				[redacted]					

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0BVV - OU - Global Bus Dev - M&A

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Senior Administrative Assistant	[redacted]	2	[redacted]									
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0BVW - Systems/Storage

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Software Developer 4	[redacted]	2	[redacted]				[redacted]					
	Software Developer 2		2										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0BVY - Microelectronics

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Hardware Developer 2	[redacted]	2	[redacted]									
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CEK - IGBU

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Product Mgmt/Strategy Director-ProdD	[redacted]	1.2	[redacted]						[redacted]			
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CFG - Corporate Accrual & Other

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Facilities Manager	[redacted]	1.2	[redacted]									
	Business Analyst 3-Ops		2										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CFJ - IT Executive Management Operations

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Project Manager 5	[redacted]	2	[redacted]		[redacted]						[redacted]	
	IT Director		1.2										
	Administrative Assistant A3		5										
	Senior Administrative Assistant		2										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CGP - CFO Operations

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Accountant 4-Fin	[redacted]	2	[redacted]									
	Benefits Consultant 4-HR	[redacted]	2	[redacted]									
	Buyer 4-Fin	[redacted]	2	[redacted]									
	Credit and Syndications Analyst 4-Fi	[redacted]	2	[redacted]									
	Financial Analyst 4	[redacted]	2	[redacted]									
	IT Business Implementation Analyst 3	[redacted]	2	[redacted]									
	Office Services Snr Manager-Fac	[redacted]	1.2	[redacted]									
	Project Manager 3	[redacted]	2	[redacted]									
	Revenue Analyst 4-Fin	[redacted]	2	[redacted]									
	Treasury Analyst 4-Fin	[redacted]	2	[redacted]									
	Database Administrator 3-IT	[redacted]	2	[redacted]									
	Financing Sales Representative IV -	[redacted]	4	[redacted]									
	Financing Snr Manager-Sales	[redacted]	1.2	[redacted]									
	Accounting Manager-Fin	[redacted]	1.2	[redacted]									
	Applications Developer 3	[redacted]	2	[redacted]									
	Business Analyst 4-Ops	[redacted]	2	[redacted]									

Incl - employee is included in this plan and department
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Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CGP - CFO Operations

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Compensation Consultant 4-HR	[redacted]	2	[redacted]				[redacted]					[redacted]
	Credit and Syndications Analyst 5-Fi		2										
	Facilities Manager		1,2										
	Facilities Specialist 4		2										
	Financial Analyst 5		2										
	HR Consultant 4		2										
	HR Manager		1,2										
	IT Business Implementation Analyst 4		2										
	Internal Auditor 4-Fin		2										
	Legal Counsel 1		2										
	Marketing Comm / PR Specialist 4		2										
	Organizational Development Consultan		2										
	Project Mgmt Manager		2										
	Revenue Analyst 5-Fin		2										
	Software Developer 3		2										
	Tax Accountant 4-Fin		2										

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Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CGP - CFO Operations

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Workforce Metrics Intelligence Analy	[redacted]	2	[redacted]					[redacted]				
	Contracts Administrator 4-Fin		2										
	Project Manager 4 - Ops		1.2										
	Accounting Snr Manager-Fin		1.2										
	Applications Developer 4		2										
	Budget/Finance Manager		1.2										
	Business Planning Snr Manager-Ops		1.2										
	Business Process Snr Manager		1.2										
	Course/Curriculum Dev 5-Training		2										
	Environmental Health & Safety Snr Ma		1.2										
	Facilities Snr Manager		1.2										
	Facilities Specialist 5		2										
	IT Manager		1.2										
	Incentive Planning Snr Manager-Fin		1.2										
	Internal Auditor 5-Fin		2										
	Marketing Comm / PR Snr Manager		1.2										

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Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CGP - CFO Operations

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Mfg & Distribution Snr Manager	[redacted]	1.2	[redacted]									
	Product Marketing Analyst 4		2										
	Program Manager 4-ProdDev		1.2										
	Project Manager 4		2										
	Project Mgmt Manager-Ops		1.2										
	Purchasing Snr Manager-Fin		1.2										
	Software Developer 4		2										
	Tax Accountant 5-Fin		2										
	Tax Manager-Fin		1.2										
	Benefits Consultant 5-HR		2										
	Contracts Director-Fin		1.2										
	Controller Snr Manager-Fin		1.2										
	Facilities Director		1.2										
	HR Snr Manager		1.2										
	IT Business Implementation Analyst 5		1.2										
	Internal Audit Snr Manager-Fin		1.2										

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Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CGP - CFO Operations

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Legal Counsel 3	[redacted]	2	[redacted]									
	Mfg & Distribution Director		1.2										
	Payroll Director-Fin		1.2										
	Program Manager 5-ProdDev		1.2										
	Project Mgmt Snr Manager		1.2										
	Project Mgmt Snr Manager-Ops		1.2										
	Recruiter 5-HR		2										
	Workforce Metrics Intelligence Analy		2										
	Project Manager 5 - Ops		1.2										
	Accounting Director-Fin		1.2										
	Applications Developer 5		1.2										
	Budget/Finance Snr Mgr		1.2										
	Business Planning Director-Ops		1.2										
	Business Process Director		1.2										
	Controller Director-Fin		1.2										
	Corporate Affairs Specialist 5 - Ops		2										

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CGP - CFO Operations

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	HR Director	[redacted]	1.2	[redacted]				[redacted]			[redacted]		
	Internal Audit Director-Fin		1.2										
	Legal Counsel 4		1.2										
	Mfg & Distribution Snr Director		1.2										
	Project Mgmt Director-Ops		1.2										
	Tax Snr Manager-Fin		1.2										
	Treasury Director-Fin		1.2										
	Accounting Snr Director-Fin		1.2										
	Budget/Finance Director		1.2										
	Business Planning Snr Director-Cps		1.2										
	Controller Snr Director-Fin		1.2										
	Credit and Syndications Snr Director		1.2										
	Facilities Snr Director		1.2										
	HR Snr Director		1.2										
	IT Director		1.2										
	Incentive Planning Snr Director-Fin		1.2										

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CGP - CFO Operations

Incl / Excl	*Job Title*	*Salary Grade*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Internal Audit Snr Director-Fin	[redacted]	1.2	[redacted]									
	Legal Counsel 5		1.2										
	Legal Director		1.2										
	Product Marketing Snr Director		1.2										
	Project Mgmt Snr Director		1.2										
	Software Development Director		1.2										
	Tax Director-Fin		1.2										
	Treasury Snr Director-Fin		1.2										
	Financing VP-Sales		1.2										
	Budget/Finance Snr Director		1.2										
	Business Planning VP-Ops		1.2										
	Contracts VP-Fin		1.2										
	Credit and Syndications VP-Fin		1.2										
	Financing VP-Fin		1.2										
	IT Snr Director		1.2										
	Legal Snr Director		1.2										

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CGP - CFO Operations

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Mfg & Distribution VP	[redacted]	1.2	[redacted]				[redacted]					
	Tax Snr Director-Fin		1.2										
	Vice President-Ops		1.2										
	Controller VP-Fin		1.2										
	Facilities VP		1.2										
	HR VP		1.2										
	Internal Audit VP-Fin		1.2										
	Legal VP		1.2										
	Purchasing VP-Fin		1.2										
	Tax VP-Fin		1.2										
	Budget/Finance VP		1.2										
	Materials Handler A1-Mfg&Dist		5										
	Telephone/Receptionist A1		5										
	Materials Handler A3-Mfg&Dist		5										
	Office Services Support A2		5										
	Telephone/Receptionist A2		5										

Incl - employee is included in this plan and department
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Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01 HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CGP - CFO Operations

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Administrative Assistant A2	[redacted]	5	[redacted]									
	Internet Sales Representative II		4										
	Legal Support A1		5										
	Office Services Support A3		5										
	HR Support A2		5										
	Internet Sales Representative III		4										
	Legal Support A2		5										
	Materials Planner 1-Mfg&Dist		2										
	Student / Intern		5										
	Accountant 1-Fin		2										
	Administrative Assistant A3		5										
	Facilities Specialist 1		2										
	HR Support A3		5										
	Office Services Support A4		5										
	Workforce Metrics Intelligence Analy		2										
	Contracts Administrator 2-Fin		2										

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CGP - CFO Operations

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Customer Service Representative 2-Op	[redacted]	2	[redacted]						[redacted]			
	Financial Analyst 1		2										
	HR Consultant 1		2										
	HR Support A4		5										
	Materials Planner 2-Mfg&Dist		2										
	Mfg & Distribution Supervisor		1.2										
	Paralegal 1		2										
	Project Manager 1 - Ops		2										
	Accountant 2-Fin		2										
	Environmental Health & Safety Specia		2										
	Financial Analyst 2		2										
	Immigration Consultant 2		2										
	Internal Auditor 2-Fin		2										
	QA Analyst 1-ProdDev		2										
	Business Analyst 2-Ops		2										
	Business Process Analyst 2		2										

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Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CGP - CFO Operations

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Customer Service Representative 3-Op	[redacted]	2	[redacted]									
	Facilities Specialist 2		2										
	HR Consultant 2		2										
	HRIS Analyst 2		2										
	Incentive Planning Analyst 2-Fin		2										
	Paralegal 2		2										
	Senior Administrative Assistant		2										
	Accountant 3-Fin		2										
	Buyer 3-Fin		2										
	Office Service Manager-Fac		1.2										
	Revenue Analyst 3-Fin		2										
	Tax Accountant 2-Fin		2										
	Business Analyst 3-Ops		2										
	Business Planning Supervisor-Ops		2										
	Compensation Consultant 2-HR		2										
	IT Business Implementation Analyst 2		2										

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CGP - CFO Operations

Incl / Excl	Job Title	Salary	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Programmer Analyst 2-IT	[redacted]	2	[redacted]				[redacted]					
	Project Manager 2 - Ops		2										
	Applications Developer 2		2										
	Credit and Syndications Analyst 3-Fi		2										
	Financial Analyst 3		2										
	HR Consultant 3		2										
	Internal Auditor 3-Fin		2										
	Marketing Comm / PR Specialist 3		2										
	Mfg & Distribution Manager		1.2										
	Tax Accountant 3-Fin		2										
	Contracts Administrator 3-Fin		2										
	Facilities Specialist 3		2										
	Programmer Analyst 3-IT		2										
	Project Manager 3 - Ops		2										
	Financing Sales Representative III -		4										
	Controller SVP-Fin		1.1										

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CGP - CFO Operations

Incl / Excl	Job Title	Salary	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Legal SVP	[redacted]	1.1	[redacted]									
	Tax SVP-Fin		1.1										
	Treasury-SVP-Fin		1.1										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CHC - Other Global IT

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	IT VP	[redacted]	1.2	[redacted]									
	Senior Administrative Assistant		2										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CHD - Global Networks

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	IT Business Implementation Analyst 3	[redacted]	2	[redacted]				[redacted]					
	Internal Customer Tech Support 4-IT		3										
	Network/Telecom Systems Analyst 3-IT		3										
	Systems Analyst 4-IT		2										
	Database Administrator 4-IT		2										
	IT Manager		1.2										
	Project Manager 4		2										
	IT Security Analyst 4		2										
	Network/Telecom Systems Analyst 4-IT		3										
	Network/Telecom Systems Analyst 5-IT		3										
	IT Snr Manager		1.2										
	IT Director		1.2										
	IT Snr Director		1.2										
	Network/Telecom Systems Technician A		3										
	Senior Administrative Assistant		2										
	Programmer Analyst 3-IT		2										

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CHD - Global Networks

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
Totals				[redacted]									

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CHE - Applications Management Services

Incl / Excl	Job Title	Salary	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	IT Business Implementation Analyst 3	[redacted]	2	[redacted]									
	QA Analyst 3-ProdDev		2										
	IT Business Implementation Analyst 4		2										
	QA Analyst 4-ProdDev		2										
	Software Developer 3		2										
	Programmer Analyst 4-IT		2										
	Software Developer 4		2										
	IT Business Implementation Analyst 5		1.2										
	IT Snr Manager		1.2										
	Software Developer 5		2										
	Software Development Director		1.2										
	Software Development Snr Director		1.2										
	Programmer Analyst 1-IT		2										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CIN - Global Customer Program

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Product Marketing Analyst 4	[redacted]	2	[redacted]				[redacted]					
	Product Marketing Analyst 5		2										
	Marketing Comm / PR VP		1.2										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CKH - Total Service Engineering

Incl / Excl	Job Title	Salary	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Applications Developer 3	[redacted]	2	[redacted]									
	Software Developer 3		2										
	Product Manager/Strategy 4-ProdDev		2										
	Software Developer 4		2										
	System Administrator 4-IT		2										
	User Experience Developer 4-ProdDev		2										
	Product Manager/Strategy 5-ProdDev		2										
	Software Development Manager		1.2										
	Software Developer 5		2										
	Software Development Snr Manager		1.2										
	Software Developer - Architect		1.2										
	Software Development Snr Director		1.2										
	IT VP		1.2										
	Software Development VP		1.2										
	Applications Developer 2		2										
	User Experience Developer 2-ProdDev		2										

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CKH - Total Service Engineering

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
Totals				[redacted]									

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CLL - NAA CRM Sales Auto

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Applications Sales Representative IV	[redacted]	4	[redacted]									
	Telesales/Internet Sales Snr Manager		1.2										
	Applications Sales Representative V		4										
	Sales Snr Director		1.2										
	Sales VP		1.2										
	Internet Sales Representative II		4										
	Applications Sales Representative I		4										
	Client Success Specialist III		4										
	Senior Administrative Assistant		2										
	Telesales/Internet Sales Manager		1.2										
	Applications Sales Representative II		4										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01 HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CLY - HW-OD

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Internet Sales Consulting Manager	[redacted]	1.2	[redacted]			[redacted]				[redacted]		
	Telesales/Internet Sales Snr Manager		1.2										
	Internet Sales Consulting Snr Manage		1.2										
	Sales Manager		1.2										
	Internet Sales Consulting Snr Direct		1.2										
	Sales Snr Director		1.2										
	Associate Internet Sales Representat		4										
	Associate Telesales Business Develop		4										
	Internet Sales Representative I		4										
	Internet Sales Representative II		4										
	Internet Sales Representative III		4										
	Administrative Assistant A3		5										
	Associate Internet Sales Consultant		4										
	Internet Sales Representative IV		4										
	Telesales Business Development Manag		1.2										
	Senior Administrative Assistant		2										

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CLY - HW-OD

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Staff Internet Sales Consultant	[redacted]	4	[redacted]									
	Telesales/Internet Sales Manager		.2										
	Senior Internet Sales Consultant		4										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CMF - HW Channel Alliances

Incl / Excl	Job Title	Salary	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Telesales Channel Representative III	[redacted]	4	[redacted]				[redacted]				[redacted]	
	Channel Sales Representative II		4										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CMH - HW- ESG

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Solution Specialist V	[redacted]	4	[redacted]									
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CMQ - BUSINESS PLANNING SUPPORT

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Business Analyst 4-Ops	[redacted]	2	[redacted]				[redacted]			[redacted]		
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CQT - North America Hardware

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Principal Sales Consultant	[redacted]	4	[redacted]									
	Sales Consulting Snr Manager		1.2										
	Sales Consulting Director		1.2										
	Sales Consulting Snr Director		1.2										
	Sales Consulting Vice President		1.2										
	Hardware Sales Representative II		4										
	Hardware Sales Representative III		4										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CRT - Product Developmnt Executive Office

Incl / Excl	Job Title	Salary	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Executive Assistant to the Executive	[redacted]	2	[redacted]									
	Executive Vice President-Ops		1.1										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis

Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CWL - NAS Lic Without CRM OD

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Total Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Principal Internet Sales Consultant	[redacted]	4	[redacted]									
	Senior Sales Consultant		4										
	TL Internet Sales Consultant		4										
	Applications Sales Representative IV		4										
	Internet Sales Consulting Manager		1.2										
	Strategic Account Sales Representati		4										
	Technology Sales Representative IV		4										
	Telesales/Internet Sales Snr Manager		1.2										
	Business Analyst 4-Ops		2										
	Principal Sales Consultant		4										
	Alliances Consultant 4		4										
	Applications Sales Representative V		4										
	Sales Manager		1.2										
	Strategic Account Sales Representati		4										
	Technology Sales Representative V		4										
	Telesales/Internet Sales Director		1.2										

Incl - employee is included in this plan and department
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Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CWL - NAS Lic Without CRM OD

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Business Analyst 5-Ops	[redacted]	2	[redacted]									
	Master Principal Sales Consultant		4										
	Oracle Architect V		4										
	Sales Consulting Manager		1.2										
	Sales Consulting Snr Manager		1.2										
	Sales Snr Manager		1.2										
	Solution Specialist V		4										
	Oracle Architect VI		4										
	Internet Sales Consulting Snr Direct		1.2										
	Sales Consulting Director		1.2										
	Sales Director		1.2										
	Telesales/Internet Sales Snr Directo		1.2										
	Business Planning Director-Ops		1.2										
	IT Snr Manager		1.2										
	Alliances Senior Director		1.2										
	Sales Consulting Snr Director		1.2										

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Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CWL - NAS Lic Without CRM OD

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Solution Specialist Snr Director	[redacted]	1.2	[redacted]									
	Sales Snr Director		1.2										
	Telesales/Internet Sales Vice Presid		1.2										
	Sales VP		1.2										
	Business Development VP - Corp Plan		1.2										
	Associate Internet Sales Representat		4										
	Associate Telesales Business Develop		4										
	Internet Sales Representative I		4										
	Telesales Business Development Repre		4										
	Internet Sales Representative II		4										
	Internet Sales Representative III		4										
	Administrative Assistant A3		5										
	Associate Internet Sales Consultant		4										
	Internet Sales Representative IV		4										
	Technology Sales Representative I		4										
	Associate Sales Consultant		4										

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Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CWL - NAS Lic Without CRM OD

Incl / Excl	Job Title	Salary	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Telesales Business Development Manag	[redacted]	1.2	[redacted]					[redacted]				
	Business Analyst 2-Ops		2										
	Product Marketing Analyst 1		2										
	Senior Administrative Assistant		2										
	Staff Internet Sales Consultant		4										
	Systems Analyst 2-IT		2										
	Applications Sales Representative II		4										
	Technology Sales Representative II		4										
	Telesales Business Development Snr M		1.2										
	Business Analyst 3-Ops		2										
	Telesales/Internet Sales Manager		1.2										
	Senior Internet Sales Consultant		4										
	Staff Sales Consultant		4										
	Applications Sales Representative II		4										
	Strategic Account Sales Representati		4										
	Technology Sales Representative III		4										

Incl - employee is included in this plan and department
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Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CWL - NAS Lic Without CRM OD

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
Totals				[redacted]									

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CYT - Public Cloud Development

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	QA Analyst 3-ProdDev	[redacted]	2	[redacted]					[redacted]				
	Applications Developer 3		2										
	Software Developer 3		2										
	User Experience Developer 3-ProdDev		2										
	Technical Writer 4-ProdDev		2										
	Applications Developer 4		2										
	Product Manager/Strategy 4-ProdDev		2										
	Software Developer 4		2										
	Technical Writer 5-ProdDev		2										
	Product Manager/Strategy 5-ProdDev		2										
	QA Snr Manager-ProdDev		1.2										
	Software Development Manager		1.2										
	Applications Developer 5		1.2										
	Software Developer 5		2										
	Software Development Snr Manager		1.2										
	Product Mgmt/Strategy Director-ProdD		1.2										

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CYT - Public Cloud Development

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Software Developer - Architect	[redacted]	1.2	[redacted]									
	Software Development Director		1.2										
	Product Mgmt/Strategy Snr Director-P		1.2										
	Software Development Snr Director		1.2										
	Technical Writer VP-ProdDev		1.2										
	Product Mgmt/Strategy VP-ProdDev		1.2										
	Software Development VP		1.2										
	Senior Administrative Assistant		2										
	Applications Developer 2		2										
	Software Developer 2		2										
	Product Development SVP		1.1										
Totals				[redacted]									

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CZM - SaaS Operations

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Program Manager 3-ProdDev	[redacted]	2	[redacted]		[redacted]							[redacted]
	Database Administrator 3-IT		2										
	Programmer Analyst 4-IT		2										
	Database Administrator 4-IT		2										
	IT Manager		1.2										
	Program Manager 4-ProdDev		1.2										
	Project Manager 4		2										
	Product Manager/Strategy 5-ProdDev		2										
	Program Manager 5-ProdDev		1.2										
	Project Mgmt Snr Manager		1.2										
	IT Snr Manager		1.2										
	IT Director		1.2										
	Software Development Director		1.2										
	IT Snr Director		1.2										
	Product Mgmt/Strategy Snr Director-P		1.2										
	Program Mgmt Sr Director-ProdDev		1.2										

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CZM - SaaS Operations

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	IT VP	[redacted]	1.2	[redacted]									
	System Administrator 2-IT		2										
	Programmer Analyst 3-IT		2										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0DIS - USA Distribution Org

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Total Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Database Administrator 3-IT	[redacted]	2	[redacted]		[redacted]					[redacted]		
	Business Planning Snr Manager-Ops		1.2										
	Business Process Snr Manager		1.2										
	Database Administrator 4-IT		2										
	Project Manager 4		2										
	Business Development Consultant 5-Co		4										
	Business Planning Director-Ops		1.2										
	IT Snr Manager		1.2										
	Business Planning Snr Director-Ops		1.2										
	Business Planning VP-Ops		1.2										
	Sales SVP		1.1										
	Administrative Assistant A2		5										
	Senior Administrative Assistant		2										
	Business Analyst 3-Ops		2										
	Executive Assistant to the Executive		2										
	Business Proposal Rep 3		2										

Incl - employee is included in this plan and depart

Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0DIS - USA Distribution Org

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	President	[redacted]	1.1	[redacted]									
Totals													

Incl - employee is included in this plan and department

Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0ECU - College Recruiting

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Employment Spec 4	[redacted]	2	[redacted]									
	Recruitment Supervisor-HR		1.2										
	Recruitment Snr Manager-HR		1.2										
	Recruitment Snr Director-HR		1.2										
	Recruitment VP-HR		1.2										
	Student / Intern		5										
	Employment Spec 1		2										
	HR Support A4		5										
	Employment Spec 2		2										
	Senior Administrative Assistant		2										
	Employment Spec 3		2										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0FGN - NAA CRM Service Auto

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Applications Sales Representative IV	[redacted]	4	[redacted]									
	Client Success Specialist V		4										
	Sales Manager		1.2										
	Telesales/Internet Sales Director		1.2										
	Sales Snr Manager		1.2										
	Sales Snr Director		1.2										
	Applications Sales Representative I		4										
	Client Success Specialist III		4										
	Applications Sales Representative II		4										
	Telesales/Internet Sales Manager		1.2										
	Client Success Specialist IV		4										
	Applications Sales Representative II		4										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0FHV - LMS ORG

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	License Management Analyst 3-Fin	[redacted]	2	[redacted]									
	Business Analyst 4-Ops		2										
	License Management Analyst 4-Fin		2										
	License Management Manager-Fin		2										
	License Management Snr Manager-Fin		1.2										
	License Management Director-Fin		1.2										
	License Management Snr Director-Fin		1.2										
	License Management VP-Fin		1.2										
	License Management Analyst 2-Fin		2										
	Programmer Analyst 3-IT		2										
Totals				[redacted]			[redacted]		[redacted]				

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0FLZ - ELOQUA ACQUISITION

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Principal Consultant	[redacted]	2	[redacted]									
	Marketing Comm / PR Specialist 4		2										
	Client Success Specialist V		4										
	Product Manager/Strategy 5-ProdDev		2										
	Marketing Comm / PR VP		1.2										
	Sales SVP		1.1										
	Field Marketing Specialist 3		2										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0GAS - Data Center Operations

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	IT Business Implementation Analyst 3	[redacted]	2	[redacted]									
	Database Administrator 3-IT		2										
	Systems Analyst 4-IT		2										
	IT Shr Manager		1.2										
	IT Snr Director		1.2										
	Programmer Analyst 2-IT		2										
	Programmer Analyst 3-IT		2										
	System Administrator 3-IT		2										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0GBE - Global Management HQ

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Business Analyst 4-Ops	[redacted]	2	[redacted]					[redacted]				
	Marketing Comm / PR Specialist 4		2										
	Marketing Comm / PR Specialist 5		2										
	Product Marketing Director		1.2										
	Business Planning Snr Director-Ops		1.2										
	Sales Operations Analyst 1		2										
	Senior Administrative Assistant		2										
	Training / Education SVP		1.1										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0GDM - Americas Field Marketing

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Marketing Comm / PR Snr Manager	[redacted]	1.2	[redacted]					[redacted]				
	Marketing Comm / PR Director		1.2										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01 HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0GEB - Support

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Product Support Director	[redacted]	1.2	[redacted]									
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0GFO - Oracle Conferences and Events

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Marketing Comm / PR Specialist 4	[redacted]	2	[redacted]					[redacted]			[redacted]	
	Market Research Analyst 5		2										
	Marketing Comm / PR Specialist 5		2										
	Marketing Research Director		1.2										
	Marketing Research Snr Director		1.2										
	Product Marketing Snr Director		1.2										
	Marketing Research VP		1.2										
	Marketing Comm / PR Specialist 2		2										
	Senior Administrative Assistant		2										
	Event Specialist 3		2										
	Event Specialist 4		2										
	Marketing Comm / PR Specialist 3		2										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0GFS - Donovan, CVC, Conference Center

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Marketing Comm / PR Specialist 4	[redacted]	2	[redacted]									
	Marketing Comm / PR Snr Manager		1.2										
	Marketing Comm / PR Director		1.2										
	Marketing Research Snr Director		1.2										
	Marketing Research VP		1.2										
	Executive Driver		5										
	Marketing Comm / PR Specialist 1		2										
	Internal Customer Tech Support 2-IT		3										
	Marketing Comm / PR Specialist 2		2										
	Event Specialist 3		2										
	Internal Customer Tech Support 3-IT		3										
	Marketing Comm / PR Specialist 3		2										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0GGB - NAA Midsize

Incl / Excl	Job Title	Salary	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Applications Sales Representative IV	[redacted]	4	[redacted]									
	Telesales/Internet Sales Snr Manager		1.2										
	Applications Sales Representative V		4										
	Sales Director		1.2										
	Associate Internet Sales Representat		4										
	Internet Sales Representative I		4										
	Internet Sales Representative II		4										
	Internet Sales Representative III		4										
	Applications Sales Representative II		4										
	Telesales/Internet Sales Manager		1.2										
	Applications Sales Representative II		4										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0GGP - Global Sales Support

Incl / Excl	Job Title	Salary	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Principal Consultant	[redacted]	2	[redacted]			[redacted]				[redacted]		
	Product Manager/Strategy 3-ProdDev		2										
	Technical Analyst 4-Support		2										
	Applications Sales Representative IV		4										
	Solution Specialist IV		4										
	Applications Developer 3		2										
	Business Analyst 4-Ops		2										
	Software Developer 3		2										
	Applications Developer 4		2										
	Consulting Technical Manager		1.2										
	Product Manager/Strategy 4-ProdDev		2										
	Product Marketing Analyst 4		2										
	Program Manager 4-ProdDev		1.2										
	Software Developer 4		2										
	User Experience Developer 4-ProdDev		2										
	Business Development Representative		4										

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0GGP - Global Sales Support

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Solution Specialist V	[redacted]	4	[redacted]		[redacted]				[redacted]			
	Product Manager/Strategy 5-ProdDev		2										
	Product Marketing Analyst 5		2										
	QA Snr Manager-ProdDev		1.2										
	Solution Specialist Snr Manager		1.2										
	Applications Developer 5		1.2										
	Business Development Director - Corp		1.2										
	Consulting Technical Director		1.2										
	Product Manager/Strategy 6-ProdDev		2										
	Product Marketing Director		1.2										
	Software Development Snr Manager		1.2										
	Solution Specialist Snr Director		1.2										
	Applications Developer - Architect		1.2										
	Business Process Snr Director		1.2										
	Marketing Comm / PR Snr Director		1.2										
	Product Marketing Snr Director		1.2										

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0GGP - Global Sales Support

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Product Mgmt/Strategy Director-ProdD	[redacted]	1.2	[redacted]									
	Program Mgmt Director-ProdDev		2										
	Business Development VP - Sales		1.2										
	Solution Specialist Vice President		1.2										
	Product Marketing VP		1.2										
	Product Mgmt/Strategy Snr Director-P		1.2										
	Software Development Snr Director		1.2										
	Sales VP		1.2										
	Product Mgmt/Strategy VP-ProdDev		1.2										
	Software Development VP		1.2										
	Business Analyst A4-Ops		5										
	Student / Intern		5										
	Project Manager 1 - Ops		2										
	Training Coordinator-A4		5										
	Resource Analyst 2-Ops		2										
	Senior Administrative Assistant		2										

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0GGP - Global Sales Support

Incl / Excl	*Job Title*	*Salary*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Business Analyst 3-Ops	[redacted]	2	[redacted]				[redacted]					
	Technical Analyst 3-Support		2										
	Consulting Staff Principal		2										
	Software Developer 2		2										
	User Experience Developer 2-ProdDev		2										
	Applications Sales Representative II		4										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0GGR - Chairman

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Chairman of the Board	[redacted]	1.1	[redacted]									
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0ITR - OU Global Products & Services

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Course/Curriculum Dev 4-Training	[redacted]	2	[redacted]									
	Course/Curriculum Dev 5-Training		2										
	Course/Curriculum Dev Director - Tra		1.2										
	Course/Curriculum Dev Snr Director -		1.2										
	Course/Curriculum Dev VP - Training		1.2										
	Training Coordinator-A2		5										
	Training Coordinator-A3		5										
	Course/Curriculum Dev 2-Training		2										
	Course/Curriculum Dev 3-Training		2										
Totals				[redacted]						[redacted]			

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0KDJ - CRM On Demand Marketing

Incl / Excl	Job Title	Salary	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Product Marketing Analyst 5	[redacted]	2	[redacted]									
	Product Marketing Snr Director		1.2										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0KDL - FSGBU

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Consulting RVP	[redacted]	1.2	[redacted]									
	Sales VP		1.2										
	Sales SVP		1.1										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0MST - Technology Product Marketing

Incl / Excl	Job Title	Salary	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Product Marketing Analyst 3	[redacted]	2	[redacted]									
	Product Marketing Analyst 4		2										
	Product Marketing Analyst 5		2										
	Product Marketing Director		1.2										
	Product Marketing Snr Director		1.2										
	Product Marketing VP		1.2										
	Senior Administrative Assistant		2										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0NAB - NA Channels Apps Region

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Alliances Consultant 3	[redacted]	4	[redacted]				[redacted]					
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0NCJ - NAA SC

Incl / Excl	Job Title	Salary Range	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Senior Sales Consultant	[redacted]	4	[redacted]				[redacted]					
	Principal Sales Consultant		4										
	Master Principal Sales Consultant		4										
	Sales Consulting Snr Manager		1.2										
	Solution Specialist V		4										
	Sales Consulting Snr Director		1.2										
	Sales Consulting Vice President		1.2										
	Associate Sales Consultant		4										
	Senior Administrative Assistant		2										
	Staff Sales Consultant		4										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0NFY - Education Americas HQ

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Business Planning Snr Director-Ops	[redacted]	1.2	[redacted]				[redacted]					
	Business Analyst 2-Ops		2										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0NGA - Education IT Services

Incl / Excl	Job Title	Salary	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	System Administrator 4-IT	[redacted]	2	[redacted]									
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0NIZ - CGBU- MARKETING

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Marketing Research Snr Director	[redacted]	1.2	[redacted]					[redacted]				
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0NJB - EPM GBU - MARKETING

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Product Marketing Analyst 4	[redacted]	2	[redacted]									
	Product Marketing Analyst 5	[redacted]	2	[redacted]									
	Product Marketing Snr Manager	[redacted]	1.2	[redacted]									
Totals				[redacted]									

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0OAE - NAA ERP Products

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Applications Sales Representative IV	[redacted]	4	[redacted]					[redacted]				
	Applications Sales Representative V		4										
	Internet Sales Representative II		4										
	Senior Administrative Assistant		2										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0OCY - Oracle Marketing

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Marketing Research Manager	[redacted]	1.2	[redacted]									
	TV Production 4-Mkt		2										
	Business Process Analyst 4		2										
	Market Research Analyst 4		2										
	Marketing Comm / PR Specialist 4		2										
	Programmer Analyst 4-IT		2										
	Market Research Analyst 5		2										
	Marketing Comm / PR Specialist 5		2										
	Marketing Research Snr Manager		1.2										
	Product Marketing Analyst 4		2										
	Programmer Analyst 5-IT		2										
	Marketing Research Director		1.2										
	Product Marketing Analyst 5		2										
	Business Planning Director-Ops		1.2										
	Product Marketing Director		1.2										
	Alliances Senior Director		1.2										

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0OCY - Oracle Marketing

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Marketing Comm / PR Snr Director	[redacted]	1.2	[redacted]				[redacted]					
	Marketing Research Snr Director		1.2										
	Product Marketing Snr Director		1.2										
	Marketing Research VP		1.2										
	Product Marketing VP		1.2										
	Student / Intern		5										
	TV Production 3-Mkt		2										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01 HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0ODP - Education Sales

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Senior Telesales Sales Consultant	[redacted]	4	[redacted]									
Totals				[redacted]									

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0OEK - Latin America HQ

Incl / Excl	*Job Title*	*Salary*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Business Development VP - Sales	[redacted]	1.2	[redacted]			[redacted]				[redacted]		
	Budget/Finance Snr Director		1.2										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0OGD - Advanced Product Support - Sales

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Services Sales Representative II	[redacted]	4	[redacted]									
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0OHI - Advanced Product Support

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Product Manager/Strategy 4-ProdDev	[redacted]	2	[redacted]				[redacted]				[redacted]	
	Program Manager 5-ProdDev		1.2										
	Business Planning Snr Director-Ops		1.2										
	Software Development VP		1.2										
	Senior Administrative Assistant		2										
	Systems Analyst 3-Support		2										
	Support SVP		1.1										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0CIY - Applications Product Marketing

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Product Marketing Analyst 4	[redacted]	2	[redacted]									
	Programmer Analyst 5-IT		2										
	Product Marketing Analyst 5		2										
	Product Marketing Director		1.2										
	Product Marketing Snr Director		1.2										
	Product Marketing VP		1.2										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0OKK - Standard Product Support

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Product Support VP	[redacted]	1.2	[redacted]					[redacted]				[redacted]
	Technical Analyst 3-Support		2										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01 HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0OOD - OFFICE OF DELIVERY

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Snr Principal Instructor-Training	[redacted]	2	[redacted]									
	Customer Service Analyst 2-Support	[redacted]	2	[redacted]									
	Senior Instructor-Training	[redacted]	2	[redacted]									
Totals				[redacted]									

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0QAF - CEO

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Corporate Development Analyst 3-Ops	[redacted]	2	[redacted]			[redacted]		[redacted]			[redacted]	
	Business Analyst 4-Ops		2										
	Contract Development Specialist 4-Op		2										
	Risk Management Analyst 4		2										
	Project Manager 4 - Ops		1.2										
	Business Analyst 5-Ops		2										
	Business Planning Snr Manager-Ops		1.2										
	Contract Development Snr Manager-Ops		1.2										
	Corporate Development Analyst 4-Ops		2										
	Contract Development Director-Ops		1.2										
	Business Planning Director-Ops		1.2										
	Corporate Development Snr Manager -O		1.2										
	Contract Development Snr Director-Op		1.2										
	Corporate Development Director-Ops		1.2										
	Corporate Development Snr Director-O		1.2										
	Vice President-Ops		1.2										

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0QAF - CEO

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Contract Development VP-Ops	[redacted]	1.2	[redacted]									
	Corporate Development VP-Ops		1.2										
	Risk Management VP		1.2										
	Administrative Assistant A3		5										
	Marketing Comm / PR Specialist 2		2										
	Business Analyst 2-Ops		2										
	Senior Administrative Assistant		2										
	Executive Assistant to the Executive		2										
	Project Manager 3 - Ops		2										
	Chief Executive Officer		1.1										
	Controller SVP-Fin		1.1										
	Corporate Development SVP-Ops		1.1										
	Corporate SVP-Ops		1.1										
	President		1.1										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0RBA - NAA HQ

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Business Development Consultant 3-Co	[redacted]	4	[redacted]									
	Principal Internet Sales Consultant		4										
	Internet Sales Consulting Manager		1.2										
	Business Analyst 4-Ops		2										
	Business Development Representative		4										
	Business Planning Snr Manager-Ops		1.2										
	Business Development Director - Sale		1.2										
	Internet Sales Consulting VP		1.2										
	Telesales/Internet Sales Vice Presid		1.2										
	Business Planning VP-Ops		1.2										
	Sales SVP		1.1										
	Telesales Business Development Repre		4										
	Telesales Business Development Repre		4										
	Associate Internet Sales Consultant		4										
	Telesales Business Development Manag		1.2										
	Business Analyst 2-Ops		2										

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0RBA - NAA HQ

Incl / Excl	*Job Title*	*Salary Code*	*EEO Code*	*Total Employees*	*Minorities*	*Total*	*White*	*Black*	*Asian*	*Native American*	*Hispanic*	*Pacific Islander*	*Two or more races*
	Senior Administrative Assistant	[redacted]	2	[redacted]									
	Staff Internet Sales Consultant		4										
	Business Analyst 3-Ops		2										
	Sales Operations Analyst 3		2										
	Programmer Analyst 3-IT		2										
	Senior Internet Sales Consultant		4										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0TKG - Total KGB NA Consulting

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Consulting Project Snr Principal Con	[redacted]	2	[redacted]									
	Principal Consultant		2										
	Senior Principal Consultant		2										
	Consulting Sales Rep 4		2										
	Consulting Solution Manager		1.2										
	Consulting Technical Manager		1.2										
	Consulting Sales Rep 5		2										
	Consulting Project Director		1.2										
	Consulting Technical Director		1.2										
	Telesales Representative II		4										
	Telesales Representative III		4										
	Consulting Sales Rep 2		2										
	Business Analyst 3-Ops		2										
	Senior Consultant		2										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0TSS - Field Services

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	IT Supervisor	[redacted]	1.2	[redacted]									
	Internal Customer Tech Support 4-IT		3										
	IT Director		1.2										
	Internal Customer Tech Support 2-IT		3										
	Internal Customer Tech Support 3-IT		3										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0UAA - SPS - Delivery

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Technical Analyst 4-Support	[redacted]	2	[redacted]				[redacted]				[redacted]	
	Business Analyst 4-Ops		2										
	Business Analyst 5-Ops		2										
	Product Support Sr. Manager		1.2										
	Technical Analyst 5-Support		2										
	Program Manager 5-ProdDev		1.2										
	Product Support Director		1.2										
	Project Manager 5		2										
	Product Support Sr. Director		1.2										
	Product Support VP		1.2										
	Technical Analyst 2-Support		2										
	Senior Administrative Assistant		2										
	Technical Analyst 3-Support		2										
	Support SVP		1.1										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0UAJ - SPS - Executive Management

Incl / Excl	Job Title	Salary	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Senior Sales Consultant	[redacted]	4	[redacted]									
	Services Sales Representative IV		4										
	Telesales/Internet Sales Snr Manager		1.2										
	Services Sales Representative V		4										
	Telesales/Internet Sales Director		1.2										
	Business Analyst 5-Ops		2										
	Course/Curriculum Dev 5-Training		2										
	Services Sales Snr Manager		1.2										
	Customer Service Snr Director-Suppor		1.2										
	Services Sales VP		1.2										
	Product Mgmt/Strategy Snr Director-P		1.2										
	Product Mgmt/Strategy VP-ProdDev		1.2										
	Associate Internet Sales Representat		4										
	Internet Sales Representative III		4										
	Associate Internet Sales Consultant		4										
	Senior Administrative Assistant		2										

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0UAJ - SPS - Executive Management

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
Totals				[redacted]									

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0UBX - SPS - Service Management

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Customer Service Account Management	[redacted]	2	[redacted]									
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0UDJ - Support Renewals

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Business Analyst 4-Ops	[redacted]	2	[redacted]		[redacted]							[redacted]
	Services Renewal VP		1.2										
	Business Planning Snr Director-Ops		1.2										
	Business Planning VP-Ops		1.2										
	Corporate Development Snr Director-O		1.2										
	Services Renewal Representative IV		4										
	Business Analyst 2-Ops		2										
	Senior Administrative Assistant		2										
Totals		[redacted]		[redacted]		[redacted]							[redacted]

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01 HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: 0UFQ - OU Global Operations

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Business Analyst 4-Ops	[redacted]	2	[redacted]									
	Market Research Analyst 4		2										
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: EMBE - Embedded Sales

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Senior Sales Consultant	[redacted]	4	[redacted]					[redacted]				
	Technology Sales Representative IV		4										
	Alliances Consultant 4		4										
	Sales Manager		1.2										
	Product Marketing Analyst 4		2										
	Alliances Consultant 5		4										
	Business Development Snr Manager - S		1.2										
	Solution Specialist V		4										
	Alliances Senior Director		1.2										
	Solution Specialist Snr Director		1.2										
	Alliances Vice President		1.2										
	Sales Consulting Vice President		1.2										
	Alliances Consultant 2		4										
	Senior Administrative Assistant		2										
	Technology Sales Representative II		4										
	Business Analyst 3-Ops		2										

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Work Force Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Department: EMBE - Embedded Sales

Incl / Excl	Job Title	Salary Code	EEO Code	Total Employees	Minorities	Total	White	Black	Asian	Native American	Hispanic	Pacific Islander	Two or more races
	Technology Sales Representative III	[redacted]	4	[redacted]									
Totals													

Incl - employee is included in this plan and department
Excl - employee is excluded from this plan and department

Job Group Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: A1 - ADMINISTRATIVE - NON-EXEMPT

		Total Employees			
Location	*Job Title*	*Persons*	*Percent*	*Female*	*Minority*
HQCA	Administrative Assistant A2	[redacted]			
HQCA	Administrative Assistant A3				
HQCA	Business Analyst A4-Ops				
HQCA	HR Support A2				
HQCA	HR Support A3				
HQCA	HR Support A4				
HQCA	Legal Support A1				
HQCA	Legal Support A2				
HQCA	Materials Handler A1-Mfg&Dist				
HQCA	Materials Handler A3-Mfg&Dist				
HQCA	Office Services Support A2				
HQCA	Office Services Support A3				
HQCA	Office Services Support A4				
HQCA	Telephone/Receptionist A1				
HQCA	Telephone/Receptionist A2				
HQCA	Training Coordinator-A2				
HQCA	Training Coordinator-A3				
HQCA	Training Coordinator-A4				
Totals	Total #				
	Total %				

Job Group Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: A2 - ADMINISTRATIVE - MID LEVEL

Location	*Job Title*		*Total Employees*			
			Persons	*Percent*	*Female*	*Minority*
HQCA	Executive Driver		[redacted]			
Totals		Total #				
		Total %				

Job Group Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: C1 - STUDENT INTERN

Location	Job Title		Total Employees Persons	Percent	Female	Minority
HQCA	Student / Intern		[redacted]			
Totals		Total #				
		Total %				

Job Group Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: M3 - EXECUTIVE MANAGEMENT

		Total Employees			
Location	*Job Title*	*Persons*	*Percent*	*Female*	*Minority*
HQCA	Chairman of the Board	[redacted]			
HQCA	Chief Executive Officer				
HQCA	Controller SVP-Fin				
HQCA	Corporate Development SVP-Ops				
HQCA	Corporate SVP-Ops				
HQCA	Executive Vice President-Ops				
HQCA	IT SVP				
HQCA	Legal SVP				
HQCA	Marketing SVP				
HQCA	President				
HQCA	Product Development SVP				
HQCA	Sales SVP				
HQCA	Support SVP				
HQCA	Tax SVP-Fin				
HQCA	Training / Education SVP				
HQCA	Treasury-SVP-Fin				
Totals	Total #				
	Total %				

Job Group Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: PS1 - SYS ORIENTED PROFESSIONALS - INDIV CONTR

		Total Employees			
Location	*Job Title*	*Persons*	*Percent*	*Female*	*Minority*
HQCA	Accountant 1-Fin	[redacted]			
HQCA	Accountant 2-Fin				
HQCA	Accountant 3-Fin				
HQCA	Accountant 4-Fin				
HQCA	Benefits Consultant 4-HR				
HQCA	Benefits Consultant 5-HR				
HQCA	Business Analyst 1-Ops				
HQCA	Business Analyst 2-Ops				
HQCA	Business Analyst 3-Ops				
HQCA	Business Analyst 4-Ops				
HQCA	Business Analyst 5-Ops				
HQCA	Business Planning Supervisor-Ops				
HQCA	Business Process Analyst 2				
HQCA	Business Process Analyst 4				
HQCA	Business Proposal Rep 3				
HQCA	Buyer 3-Fin				
HQCA	Buyer 4-Fin				
HQCA	Compensation Consultant 2-HR				
HQCA	Compensation Consultant 4-HR				
HQCA	Consulting Project Snr Principal Con				
HQCA	Consulting Sales Rep 2				
HQCA	Consulting Sales Rep 4				
HQCA	Consulting Sales Rep 5				
HQCA	Consulting Staff Principal				
HQCA	Contract Development Specialist 4-Op				
HQCA	Contracts Administrator 2-Fin				

Job Group Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: PS1 - SYS ORIENTED PROFESSIONALS - INDIV CONTR

		Total Employees			
Location	*Job Title*	*Persons*	*Percent*	*Female*	*Minority*
HQCA	Contracts Administrator 3-Fin	[redacted]			
HQCA	Contracts Administrator 4-Fin				
HQCA	Corporate Affairs Specialist 3 - Ops				
HQCA	Corporate Affairs Specialist 5 - Ops				
HQCA	Corporate Development Analyst 3-Ops				
HQCA	Corporate Development Analyst 4-Ops				
HQCA	Course/Curriculum Dev 2-Training				
HQCA	Course/Curriculum Dev 3-Training				
HQCA	Course/Curriculum Dev 4-Training				
HQCA	Course/Curriculum Dev 5-Training				
HQCA	Credit and Syndications Analyst 3-Fi				
HQCA	Credit and Syndications Analyst 4-Fi				
HQCA	Credit and Syndications Analyst 5-Fi				
HQCA	Customer Service Account Management				
HQCA	Customer Service Analyst 2-Support				
HQCA	Customer Service Analyst 3-Support				
HQCA	Customer Service Representative 2-Op				
HQCA	Customer Service Representative 3-Op				
HQCA	Employment Spec 1				
HQCA	Employment Spec 2				
HQCA	Employment Spec 3				
HQCA	Employment Spec 4				
HQCA	Environmental Health & Safety Specia				
HQCA	Event Specialist 3				
HQCA	Event Specialist 4				
HQCA	Executive Assistant to the Executive				

Job Group Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: PS1 - SYS ORIENTED PROFESSIONALS - INDIV CONTR

		Total Employees			
Location	*Job Title*	*Persons*	*Percent*	*Female*	*Minority*
HQCA	Executive Protection Agent 4	[redacted]			
HQCA	Facilities Specialist 1				
HQCA	Facilities Specialist 2				
HQCA	Facilities Specialist 3				
HQCA	Facilities Specialist 4				
HQCA	Facilities Specialist 5				
HQCA	Field Marketing Specialist 3				
HQCA	Financial Analyst 1				
HQCA	Financial Analyst 2				
HQCA	Financial Analyst 3				
HQCA	Financial Analyst 4				
HQCA	Financial Analyst 5				
HQCA	Graphics Designer 4-Mkt				
HQCA	HR Consultant 1				
HQCA	HR Consultant 2				
HQCA	HR Consultant 3				
HQCA	HR Consultant 4				
HQCA	HRIS Analyst 2				
HQCA	Immigration Consultant 2				
HQCA	Incentive Planning Analyst 2-Fin				
HQCA	Internal Auditor 2-Fin				
HQCA	Internal Auditor 3-Fin				
HQCA	Internal Auditor 4-Fin				
HQCA	Internal Auditor 5-Fin				
HQCA	Inventory Control Analyst 2				
HQCA	Legal Counsel 1				

Job Group Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: PS1 - SYS ORIENTED PROFESSIONALS - INDIV CONTR

		Total Employees			
Location	*Job Title*	*Persons*	*Percent*	*Female*	*Minority*
HQCA	Legal Counsel 3	[redacted]			
HQCA	License Management Analyst 2-Fin				
HQCA	License Management Analyst 3-Fin				
HQCA	License Management Analyst 4-Fin				
HQCA	License Management Manager-Fin				
HQCA	Market Research Analyst 3				
HQCA	Market Research Analyst 4				
HQCA	Market Research Analyst 5				
HQCA	Marketing Comm / PR Specialist 1				
HQCA	Marketing Comm / PR Specialist 2				
HQCA	Marketing Comm / PR Specialist 3				
HQCA	Marketing Comm / PR Specialist 4				
HQCA	Marketing Comm / PR Specialist 5				
HQCA	Master Scheduler 1				
HQCA	Master Scheduler 3				
HQCA	Master Scheduler 4				
HQCA	Materials Planner 1-Mfg&Dist				
HQCA	Materials Planner 2-Mfg&Dist				
HQCA	Organizational Development Consultan				
HQCA	Paralegal 1				
HQCA	Paralegal 2				
HQCA	Principal Consultant				
HQCA	Product Marketing Analyst 1				
HQCA	Product Marketing Analyst 3				
HQCA	Product Marketing Analyst 4				
HQCA	Product Marketing Analyst 5				

Job Group Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: PS1 - SYS ORIENTED PROFESSIONALS - INDIV CONTR

		Total Employees			
Location	*Job Title*	*Persons*	*Percent*	*Female*	*Minority*
HQCA	Program Manager 2-ProdDev	[redacted]			
HQCA	Program Manager 3-ProdDev				
HQCA	Program Mgmt Director-ProdDev				
HQCA	Program Mgmt VP-ProdDev				
HQCA	Project Manager 1 - Ops				
HQCA	Project Manager 2 - Ops				
HQCA	Project Manager 3				
HQCA	Project Manager 3 - Ops				
HQCA	Project Manager 4				
HQCA	Project Manager 5				
HQCA	Project Mgmt Manager				
HQCA	Quality Assurance Specialist 4				
HQCA	Recruiter 5-HR				
HQCA	Resource Analyst 2-Ops				
HQCA	Revenue Analyst 3-Fin				
HQCA	Revenue Analyst 4-Fin				
HQCA	Revenue Analyst 5-Fin				
HQCA	Risk Management Analyst 4				
HQCA	Sales Operations Analyst 1				
HQCA	Sales Operations Analyst 3				
HQCA	Security Specialist 3-Fac				
HQCA	Senior Administrative Assistant				
HQCA	Senior Consultant				
HQCA	Senior Instructor-Training				
HQCA	Senior Principal Consultant				
HQCA	Snr Principal Instructor-Training				

Job Group Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: PS1 - SYS ORIENTED PROFESSIONALS - INDIV CONTR

Location	*Job Title*		*Total Employees*			
			Persons	*Percent*	*Female*	*Minority*
HQCA	Supply Chain Analyst 2		[redacted]			
HQCA	Supply Chain Analyst 3					
HQCA	Supply Chain Analyst 4					
HQCA	TV Production 3-Mkt					
HQCA	TV Production 4-Mkt					
HQCA	Tax Accountant 2-Fin					
HQCA	Tax Accountant 3-Fin					
HQCA	Tax Accountant 4-Fin					
HQCA	Tax Accountant 5-Fin					
HQCA	Technical Account Representative (TA					
HQCA	Treasury Analyst 4-Fin					
HQCA	Workforce Metrics Intelligence Analy					
Totals		Total #				
		Total %				

Job Group Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: PS2 - SYS ORIENTED PROFESSIONALS - MGMT

		Total Employees			
Location	*Job Title*	*Persons*	*Percent*	*Female*	*Minority*
HQCA	Accounting Director-Fin	[redacted]			
HQCA	Accounting Manager-Fin				
HQCA	Accounting Snr Director-Fin				
HQCA	Accounting Snr Manager-Fin				
HQCA	Budget/Finance Director				
HQCA	Budget/Finance Manager				
HQCA	Budget/Finance Snr Director				
HQCA	Budget/Finance Snr Mgr				
HQCA	Business Development Director - Corp				
HQCA	Business Development Snr Director -				
HQCA	Business Planning Director-Ops				
HQCA	Business Planning Manager-Ops				
HQCA	Business Planning Snr Director-Ops				
HQCA	Business Planning Snr Manager-Ops				
HQCA	Business Process Director				
HQCA	Business Process Snr Director				
HQCA	Business Process Snr Manager				
HQCA	Consulting Practice Director				
HQCA	Consulting Project Director				
HQCA	Consulting Solution Manager				
HQCA	Consulting Technical Director				
HQCA	Consulting Technical Manager				
HQCA	Contract Development Director-Ops				
HQCA	Contract Development Snr Director-Op				
HQCA	Contract Development Snr Manager-Ops				
HQCA	Contracts Director-Fin				

Job Group Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: PS2 - SYS ORIENTED PROFESSIONALS - MGMT

		Total Employees			
Location	*Job Title*	*Persons*	*Percent*	*Female*	*Minority*
HQCA	Controller Director-Fin	[redacted]			
HQCA	Controller Snr Director-Fin				
HQCA	Controller Snr Manager-Fin				
HQCA	Corporate Affairs Snr Manager -Ops				
HQCA	Corporate Development Director-Ops				
HQCA	Corporate Development Snr Director-O				
HQCA	Corporate Development Snr Manager -O				
HQCA	Course/Curriculum Dev Director - Tra				
HQCA	Course/Curriculum Dev Snr Director -				
HQCA	Course/Curriculum Dev Snr Mgr - Trai				
HQCA	Credit and Syndications Snr Director				
HQCA	Customer Service Director-Support				
HQCA	Customer Service Manager-Support				
HQCA	Customer Service Snr Director-Suppor				
HQCA	Customer Service Snr Manager-Support				
HQCA	Environmental Health & Safety Snr Ma				
HQCA	Facilities Director				
HQCA	Facilities Manager				
HQCA	Facilities Snr Director				
HQCA	Facilities Snr Manager				
HQCA	HR Director				
HQCA	HR Manager				
HQCA	HR Snr Director				
HQCA	HR Snr Manager				
HQCA	Incentive Planning Snr Director-Fin				
HQCA	Incentive Planning Snr Manager-Fin				

Job Group Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: PS2 - SYS ORIENTED PROFESSIONALS - MGMT

		Total Employees			
Location	*Job Title*	*Persons*	*Percent*	*Female*	*Minority*
HQCA	Internal Audit Director-Fin	[redacted]			
HQCA	Internal Audit Snr Director-Fin				
HQCA	Internal Audit Snr Manager-Fin				
HQCA	Legal Counsel 4				
HQCA	Legal Counsel 5				
HQCA	Legal Director				
HQCA	Legal Snr Director				
HQCA	License Management Director-Fin				
HQCA	License Management Snr Director-Fin				
HQCA	License Management Snr Manager-Fin				
HQCA	Marketing Comm / PR Director				
HQCA	Marketing Comm / PR Snr Director				
HQCA	Marketing Comm / PR Snr Manager				
HQCA	Marketing Research Director				
HQCA	Marketing Research Manager				
HQCA	Marketing Research Snr Director				
HQCA	Marketing Research Snr Manager				
HQCA	Mfg & Distribution Director				
HQCA	Mfg & Distribution Manager				
HQCA	Mfg & Distribution Snr Director				
HQCA	Mfg & Distribution Snr Manager				
HQCA	Mfg & Distribution Supervisor				
HQCA	Office Service Manager-Fac				
HQCA	Office Services Snr Manager-Fac				
HQCA	Payroll Director-Fin				
HQCA	Product Marketing Director				

Job Group Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: PS2 - SYS ORIENTED PROFESSIONALS - MGMT

		Total Employees			
Location	*Job Title*	*Persons*	*Percent*	*Female*	*Minority*
HQCA	Product Marketing Snr Director	[redacted]			
HQCA	Product Marketing Snr Manager				
HQCA	Program Manager 4-ProdDev				
HQCA	Program Manager 5-ProdDev				
HQCA	Program Mgmt Manager-ProdDev				
HQCA	Program Mgmt Sr Director-ProdDev				
HQCA	Program Mgmt Sr Manager-ProdDev				
HQCA	Project Manager 4 - Ops				
HQCA	Project Manager 5 - Ops				
HQCA	Project Mgmt Director-Ops				
HQCA	Project Mgmt Manager-Ops				
HQCA	Project Mgmt Snr Director				
HQCA	Project Mgmt Snr Manager				
HQCA	Project Mgmt Snr Manager-Ops				
HQCA	Purchasing Snr Manager-Fin				
HQCA	Recruitment Snr Director-HR				
HQCA	Recruitment Snr Manager-HR				
HQCA	Recruitment Supervisor-HR				
HQCA	Security Director-Fac				
HQCA	Security VP -Fac				
HQCA	Supply Chain Snr Manager				
HQCA	Supply Chain VP				
HQCA	Tax Director-Fin				
HQCA	Tax Manager-Fin				
HQCA	Tax Snr Director-Fin				
HQCA	Tax Snr Manager-Fin				

Job Group Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: PS2 - SYS ORIENTED PROFESSIONALS - MGMT

Location	*Job Title*		*Total Employees*			
			Persons	*Percent*	*Female*	*Minority*
HQCA	Treasury Director-Fin		[redacted]			
HQCA	Treasury Snr Director-Fin					
Totals		Total #				
		Total %				

Job Group Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: PS3 - SYS ORIENTED PROFESSIONALS - SR. MGMT

		Total Employees			
Location	*Job Title*	*Persons*	*Percent*	*Female*	*Minority*
HQCA	Budget/Finance VP	[redacted]			
HQCA	Business Development VP - Corp Plan				
HQCA	Business Planning VP-Ops				
HQCA	Consulting RVP				
HQCA	Contract Development VP-Ops				
HQCA	Contracts VP-Fin				
HQCA	Controller VP-Fin				
HQCA	Corporate Development VP-Ops				
HQCA	Course/Curriculum Dev VP - Training				
HQCA	Credit and Syndications VP-Fin				
HQCA	Customer Service VP-Support				
HQCA	Facilities VP				
HQCA	Financing VP-Fin				
HQCA	HR VP				
HQCA	Internal Audit VP-Fin				
HQCA	Legal VP				
HQCA	License Management VP-Fin				
HQCA	Marketing Comm / PR VP				
HQCA	Marketing Research VP				
HQCA	Mfg & Distribution VP				
HQCA	Product Marketing VP				
HQCA	Purchasing VP-Fin				
HQCA	Recruitment VP-HR				
HQCA	Risk Management VP				
HQCA	Tax VP-Fin				
HQCA	Vice President-Ops				

Job Group Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: PS3 - SYS ORIENTED PROFESSIONALS - SR. MGMT

Location	*Job Title*		*Total Employees*			
			Persons	*Percent*	*Female*	*Minority*
Totals		Total #	[redacted]			
		Total %				

Job Group Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: PT1 - TECH PROFESSIONALS - INDIV CONTRIB

		Total Employees			
Location	*Job Title*	*Persons*	*Percent*	*Female*	*Minority*
HQCA	Applications Developer 1	[redacted]			
HQCA	Applications Developer 2				
HQCA	Applications Developer 3				
HQCA	Applications Developer 4				
HQCA	Business Services Representative 5-S				
HQCA	Database Administrator 2-IT				
HQCA	Database Administrator 3-IT				
HQCA	Database Administrator 4-IT				
HQCA	Database Administrator 5-IT				
HQCA	Development Systems Administrator 4				
HQCA	Development Systems Administrator 5				
HQCA	Field Support Specialist 3				
HQCA	Hardware Developer 2				
HQCA	Hardware Developer 3				
HQCA	Hardware Developer 4				
HQCA	Hardware Developer 5				
HQCA	Hardware Developer 6				
HQCA	IT Business Implementation Analyst 2				
HQCA	IT Business Implementation Analyst 3				
HQCA	IT Business Implementation Analyst 4				
HQCA	IT Security Analyst 4				
HQCA	IT Security Analyst 5				
HQCA	Logistics Analyst 3				
HQCA	Logistics Analyst 4				
HQCA	Process Manufacturing Analyst 4				
HQCA	Product Manager/Strategy 2-ProdDev				

Job Group Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: PT1 - TECH PROFESSIONALS - INDIV CONTRIB

Location	Job Title	Total Employees Persons	Total Employees Percent	Female	Minority
HQCA	Product Manager/Strategy 3-ProdDev	[redacted]			
HQCA	Product Manager/Strategy 4-ProdDev				
HQCA	Product Manager/Strategy 5-ProdDev				
HQCA	Product Manager/Strategy 6-ProdDev				
HQCA	Product Manufacturing Analyst 3				
HQCA	Programmer Analyst 1-IT				
HQCA	Programmer Analyst 2-IT				
HQCA	Programmer Analyst 3-IT				
HQCA	Programmer Analyst 4-IT				
HQCA	Programmer Analyst 5-IT				
HQCA	QA Analyst 1-ProdDev				
HQCA	QA Analyst 2-ProdDev				
HQCA	QA Analyst 3-ProdDev				
HQCA	QA Analyst 4-ProdDev				
HQCA	QA Analyst 5-ProdDev				
HQCA	Release Developer 4				
HQCA	Software Developer 1				
HQCA	Software Developer 2				
HQCA	Software Developer 3				
HQCA	Software Developer 4				
HQCA	Software Developer 5				
HQCA	System Administrator 2-IT				
HQCA	System Administrator 3-IT				
HQCA	System Administrator 4-IT				
HQCA	System Administrator 5-IT				
HQCA	Systems Analyst 2-IT				

Job Group Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: PT1 - TECH PROFESSIONALS - INDIV CONTRIB

		Total Employees			
Location	*Job Title*	*Persons*	*Percent*	*Female*	*Minority*
HQCA	Systems Analyst 2-Support	[redacted]			
HQCA	Systems Analyst 3-Support				
HQCA	Systems Analyst 4-IT				
HQCA	Systems Analyst 4-Support				
HQCA	Systems Analyst 5-Support				
HQCA	Technical Analyst 2-Support				
HQCA	Technical Analyst 3-Support				
HQCA	Technical Analyst 4-Support				
HQCA	Technical Analyst 5-Support				
HQCA	Technical Architect 4				
HQCA	Technical Writer 3-ProdDev				
HQCA	Technical Writer 4-ProdDev				
HQCA	Technical Writer 5-ProdDev				
HQCA	User Experience Developer 2-ProdDev				
HQCA	User Experience Developer 3-ProdDev				
HQCA	User Experience Developer 4-ProdDev				
HQCA	User Experience Developer 5-ProdDev				
Totals	Total #				
	Total %				

Job Group Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: PT2 - TECH PROFESSIONALS - MGMT

Location	Job Title	Total Employees Persons	Total Employees Percent	Female	Minority
HQCA	Adv Customer Service Support Directo	[redacted]			
HQCA	Adv Customer Service Support Snr Dir				
HQCA	Applications Developer - Architect				
HQCA	Applications Developer 5				
HQCA	Hardware Development Snr Director				
HQCA	IT Business Implementation Analyst 5				
HQCA	IT Director				
HQCA	IT Manager				
HQCA	IT Snr Director				
HQCA	IT Snr Manager				
HQCA	IT Supervisor				
HQCA	Manufacturing Test Manager				
HQCA	Product Mgmt/Strategy Director-ProdD				
HQCA	Product Mgmt/Strategy Manager-ProdDe				
HQCA	Product Mgmt/Strategy Snr Director-P				
HQCA	Product Mgmt/Strategy Snr Manager-Pr				
HQCA	Product Support Director				
HQCA	Product Support Manager				
HQCA	Product Support Sr. Director				
HQCA	Product Support Sr. Manager				
HQCA	QA Director-ProdDev				
HQCA	QA Manager-ProdDev				
HQCA	QA Snr Director-ProdDev				
HQCA	QA Snr Manager-ProdDev				
HQCA	Release Developer 5				
HQCA	Software Developer - Architect				

Job Group Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: PT2 - TECH PROFESSIONALS - MGMT

Location	*Job Title*		*Total Employees*			
			Persons	*Percent*	*Female*	*Minority*
HQCA	Software Development Director		[redacted]			
HQCA	Software Development Manager					
HQCA	Software Development Snr Director					
HQCA	Software Development Snr Manager					
HQCA	Technical Writer Director-ProdDev					
HQCA	Technical Writer Manager-ProdDev					
HQCA	Technical Writer Snr Director-ProdDe					
HQCA	Technical Writer Snr Manager-ProdDev					
Totals		Total #				
		Total %				

Job Group Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: PT3 - TECH PROFESSIONALS - SR. MGMT

		Total Employees			
Location	*Job Title*	*Persons*	*Percent*	*Female*	*Minority*
HQCA	Hardware Development VP	[redacted]			
HQCA	IT VP				
HQCA	Product Mgmt/Strategy VP-ProdDev				
HQCA	Product Support VP				
HQCA	QA VP-ProdDev				
HQCA	Software Development VP				
HQCA	Technical Writer VP-ProdDev				
Totals	Total #				
	Total %				

Job Group Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: S1 - SALES - INDIVID CONTRIB

Location	Job Title	Total Employees Persons	Percent	Female	Minority
HQCA	Alliances Consultant 2	[redacted]			
HQCA	Alliances Consultant 3				
HQCA	Alliances Consultant 4				
HQCA	Alliances Consultant 5				
HQCA	Applications Sales Representative I				
HQCA	Applications Sales Representative II				
HQCA	Applications Sales Representative IV				
HQCA	Applications Sales Representative V				
HQCA	Associate Internet Sales Consultant				
HQCA	Associate Internet Sales Representat				
HQCA	Associate Sales Consultant				
HQCA	Associate Telesales Business Develop				
HQCA	Business Development Consultant 3-Co				
HQCA	Business Development Consultant 4-Co				
HQCA	Business Development Consultant 5-Co				
HQCA	Business Development Representative				
HQCA	Channel Sales Representative II				
HQCA	Client Success Specialist III				
HQCA	Client Success Specialist IV				
HQCA	Client Success Specialist V				
HQCA	Financing Sales Representative III -				
HQCA	Financing Sales Representative IV -				
HQCA	Hardware Sales Representative II				
HQCA	Hardware Sales Representative III				
HQCA	Internet Sales Representative I				
HQCA	Internet Sales Representative II				

Job Group Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: S1 - SALES - INDIVID CONTRIB

		Total Employees			
Location	*Job Title*	*Persons*	*Percent*	*Female*	*Minority*
HQCA	Internet Sales Representative III	[redacted]			
HQCA	Internet Sales Representative IV				
HQCA	Master Principal Sales Consultant				
HQCA	Oracle Architect V				
HQCA	Oracle Architect VI				
HQCA	Principal Internet Sales Consultant				
HQCA	Principal Sales Consultant				
HQCA	Senior Internet Sales Consultant				
HQCA	Senior Sales Consultant				
HQCA	Senior Telesales Sales Consultant				
HQCA	Services Renewal Representative IV				
HQCA	Services Sales Representative II				
HQCA	Services Sales Representative IV				
HQCA	Services Sales Representative V				
HQCA	Solution Specialist IV				
HQCA	Solution Specialist V				
HQCA	Staff Internet Sales Consultant				
HQCA	Staff Sales Consultant				
HQCA	Strategic Account Sales Representati				
HQCA	TL Internet Sales Consultant				
HQCA	Technology Sales Representative I				
HQCA	Technology Sales Representative II				
HQCA	Technology Sales Representative III				
HQCA	Technology Sales Representative IV				
HQCA	Technology Sales Representative V				
HQCA	Telesales Business Development Repre				

Job Group Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: S1 - SALES - INDIVID CONTRIB

Location	Job Title		Total Employees Persons	Percent	Female	Minority
HQCA	Telesales Channel Representative III		[redacted]			
HQCA	Telesales Representative II					
HQCA	Telesales Representative III					
Totals		Total #				
		Total %				

Job Group Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: S2 - SALES - MGMT

Location	Job Title	Total Employees Persons	Total Employees Percent	Female	Minority
HQCA	Alliances Director	[redacted]			
HQCA	Alliances Manager				
HQCA	Alliances Senior Director				
HQCA	Business Development Director - Sale				
HQCA	Business Development Snr Manager - S				
HQCA	Financing Snr Manager-Sales				
HQCA	Internet Sales Consulting Manager				
HQCA	Internet Sales Consulting Snr Direct				
HQCA	Internet Sales Consulting Snr Manage				
HQCA	Sales Consulting Director				
HQCA	Sales Consulting Manager				
HQCA	Sales Consulting Snr Director				
HQCA	Sales Consulting Snr Manager				
HQCA	Sales Director				
HQCA	Sales Manager				
HQCA	Sales Snr Director				
HQCA	Sales Snr Manager				
HQCA	Services Renewal Snr Director				
HQCA	Services Sales Director				
HQCA	Services Sales Snr Manager				
HQCA	Solution Specialist Snr Director				
HQCA	Solution Specialist Snr Manager				
HQCA	Telesales Business Development Manag				
HQCA	Telesales Business Development Snr M				
HQCA	Telesales/Internet Sales Director				
HQCA	Telesales/Internet Sales Manager				

Job Group Analysis
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: S2 - SALES - MGMT

Location	*Job Title*		*Total Employees*			
			Persons	*Percent*	*Female*	*Minority*
HQCA	Telesales/Internet Sales Snr Directo		[redacted]			
HQCA	Telesales/Internet Sales Snr Manager					
Totals		Total #				
		Total %				

Job Group Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: S3 - SALES - SR. MGMT

Location	Job Title	Total Employees Persons	Total Employees Percent	Female	Minority
HQCA	Alliances Vice President	[redacted]			
HQCA	Business Development VP - Sales				
HQCA	Financing VP-Sales				
HQCA	Internet Sales Consulting VP				
HQCA	Sales Consulting Vice President				
HQCA	Sales VP				
HQCA	Services Renewal VP				
HQCA	Services Sales SVP				
HQCA	Services Sales VP				
HQCA	Solution Specialist Vice President				
HQCA	Telesales/Internet Sales Vice Presid				
Totals	Total #				
	Total %				

Job Group Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: T1 - TECHNICAL - NONEXEMPT IC

Location	Job Title		Total Employees Persons	Total Employees Percent	Female	Minority
HQCA	Data Services Support A4-IT		[redacted]			
HQCA	Network/Telecom Systems Analyst 3-IT					
HQCA	Network/Telecom Systems Analyst 4-IT					
HQCA	Network/Telecom Systems Analyst 5-IT					
HQCA	Network/Telecom Systems Technician A					
Totals		Total #				
		Total %				

Job Group Analysis
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: T2 - TECHNICAL - EXEMPT IC

Location	*Job Title*		*Total Employees*			
			Persons	*Percent*	*Female*	*Minority*
HQCA	Internal Customer Tech Support 2-IT		[redacted]			
HQCA	Internal Customer Tech Support 3-IT					
HQCA	Internal Customer Tech Support 4-IT					
Totals		Total #				
		Total %				

CONFIDENTIAL
Incumbency vs. Availability
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: A1 - ADMINISTRATIVE - NON-EXEMPT

Total Employees in Job Group: 89

Factor	*Weight*	*Total Female*	*Total Minorities*
Requisite Skills in Recruitment Area	[redacted]		
Internally available			
Training Institutions			
In-house Training			
Factor 5 - Applicant Availability			
Total Weighted Availability			
Current Utilization			
Binomial Probability Exact Binomial less than or equal to 0.0500			

CONFIDENTIAL
Incumbency vs. Availability
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: A2 - ADMINISTRATIVE - MID LEVEL

Total Employees in Job Group: 3

Factor	*Weight*	*Total Female*	*Total Minorities*
Requisite Skills in Recruitment Area	[redacted]		
Internally available			
Training Institutions			
In-house Training			
Factor 5 - Applicant Availability			
Total Weighted Availability			
Current Utilization			
Binomial Probability Exact Binomial less than or equal to 0.0500			

CONFIDENTIAL
Incumbency vs. Availability
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: C1 - STUDENT INTERN

Total Employees in Job Group: 33

Factor	*Weight*	*Total Female*	*Total Minorities*
Requisite Skills in Recruitment Area	[redacted]		
Internally available			
Training Institutions			
In-house Training			
Factor 5 - Applicant Availability			
Total Weighted Availability			
Current Utilization			
Binomial Probability			
Exact Binomial less than or equal to 0.0500			

CONFIDENTIAL
Incumbency vs. Availability
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: M3 - EXECUTIVE MANAGEMENT

Total Employees in Job Group: 47

Factor	*Weight*	*Total Female*	*Total Minorities*
Requisite Skills in Recruitment Area	[redacted]		
Internally available			
Training Institutions			
In-house Training			
Factor 5 - Applicant Availability			
Total Weighted Availability			
Current Utilization			
Binomial Probability			
Exact Binomial less than or equal to 0.0500			

CONFIDENTIAL
Incumbency vs. Availability
Analysis Data as of 01/01/2014

Plan: 01.HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: PS1 - SYS ORIENTED PROFESSIONALS - INDIV CONTR

Total Employees in Job Group: 772

Factor	*Weight*	*Total Female*	*Total Minorities*
Requisite Skills in Recruitment Area	[redacted]		
Internally available			
Training Institutions			
In-house Training			
Factor 5 - Applicant Availability			
Total Weighted Availability			
Current Utilization			
Binomial Probability Exact Binomial less than or equal to 0.0500			

CONFIDENTIAL
Incumbency vs. Availability
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: PS2 - SYS ORIENTED PROFESSIONALS - MGMT

Total Employees in Job Group: 485

Factor	*Weight*	*Total Female*	*Total Minorities*
Requisite Skills in Recruitment Area	[redacted]		
Internally available			
Training Institutions			
In-house Training			
Factor 5 - Applicant Availability			
Total Weighted Availability			
Current Utilization			
Binomial Probability Exact Binomial less than or equal to 0.0500			

CONFIDENTIAL
Incumbency vs. Availability
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: PS3 - SYS ORIENTED PROFESSIONALS - SR. MGMT

Total Employees in Job Group: 70

Factor	*Weight*	*Total Female*	*Total Minorities*
Requisite Skills in Recruitment Area	[redacted]		
Internally available			
Training Institutions			
In-house Training			
Factor 5 - Applicant Availability			
Total Weighted Availability			
Current Utilization			
Binomial Probability Exact Binomial less than or equal to 0.0500			

CONFIDENTIAL
Incumbency vs. Availability
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: PT1 - TECH PROFESSIONALS - INDIV CONTRIB

Total Employees in Job Group: 3,135

Factor	*Weight*	*Total Female*	*Total Minorities*
Requisite Skills in Recruitment Area	[redacted]		
Internally available			
Training Institutions			
In-house Training			
Factor 5 - Applicant Availability			
Total Weighted Availability			
Current Utilization			
Binomial Probability			
Exact Binomial less than or equal to 0.0500			

CONFIDENTIAL
Incumbency vs. Availability
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: PT2 - TECH PROFESSIONALS - MGMT

Total Employees in Job Group: 1,518

Factor	*Weight*	*Total Female*	*Total Minorities*
Requisite Skills in Recruitment Area	[redacted]		
Internally available			
Training Institutions			
In-house Training			
Factor 5 - Applicant Availability			
Total Weighted Availability			
Current Utilization			
Binomial Probability Exact Binomial less than or equal to 0.0500			

CONFIDENTIAL
Incumbency vs. Availability
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: PT3 - TECH PROFESSIONALS - SR. MGMT

Total Employees in Job Group: 174

Factor	*Weight*	*Total Female*	*Total Minorities*
Requisite Skills in Recruitment Area	[redacted]		
Internally available			
Training Institutions			
In-house Training			
Factor 5 - Applicant Availability			
Total Weighted Availability			
Current Utilization			
Binomial Probability Exact Binomial less than or equal to 0.0500			

CONFIDENTIAL
Incumbency vs. Availability
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: S1 - SALES - INDIVID CONTRIB

Total Employees in Job Group: 893

Factor	*Weight*	*Total Female*	*Total Minorities*
Requisite Skills in Recruitment Area	[redacted]		
Internally available			
Training Institutions			
In-house Training			
Factor 5 - Applicant Availability			
Total Weighted Availability			
Current Utilization			
Binomial Probability			
Exact Binomial less than or equal to 0.0500			

CONFIDENTIAL
Incumbency vs. Availability
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: S2 - SALES - MGMT

Total Employees in Job Group: 130

Factor	*Weight*	*Total Female*	*Total Minorities*
Requisite Skills in Recruitment Area	[redacted]		
Internally available			
Training Institutions			
In-house Training			
Factor 5 - Applicant Availability			
Total Weighted Availability			
Current Utilization			
Binomial Probability			
Exact Binomial less than or equal to 0.0500			

CONFIDENTIAL
Incumbency vs. Availability
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: S3 - SALES - SR. MGMT

Total Employees in Job Group: 32

Factor	*Weight*	*Total Female*	*Total Minorities*
Requisite Skills in Recruitment Area	[redacted]		
Internally available			
Training Institutions			
In-house Training			
Factor 5 - Applicant Availability			
Total Weighted Availability			
Current Utilization			
Binomial Probability			
Exact Binomial less than or equal to 0.0500			

CONFIDENTIAL
Incumbency vs. Availability
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: T1 - TECHNICAL - NONEXEMPT IC

Total Employees in Job Group: 23

Factor	*Weight*	*Total Female*	*Total Minorities*
Requisite Skills in Recruitment Area	[redacted]		
Internally available			
Training Institutions			
In-house Training			
Factor 5 - Applicant Availability			
Total Weighted Availability			
Current Utilization			
Binomial Probability			
Exact Binomial less than or equal to 0.0500			

CONFIDENTIAL
Incumbency vs. Availability
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group: T2 - TECHNICAL - EXEMPT IC

Total Employees in Job Group: 17

Factor	*Weight*	*Total Female*	*Total Minorities*
Requisite Skills in Recruitment Area	[redacted]		
Internally available			
Training Institutions			
In-house Training			
Factor 5 - Applicant Availability			
Total Weighted Availability			
Current Utilization			
Binomial Probability			
Exact Binomial less than or equal to 0.0500			

CONFIDENTIAL
Placement Goals
Analysis Data as of 01/01/2014

Plan: 01,HQCA - ORACLE, HEADQUARTERS - CALIFORNIA

Job Group	*Class*	*Goal Placement Rate %*
A1 - ADMINISTRATIVE - NON-EXEMPT	[redacted]	
PS3 - SYS ORIENTED PROFESSIONALS - SR. MGMT	[redacted]	
PT3 - TECH PROFESSIONALS - SR. MGMT	[redacted]	
S1 - SALES - INDIVID CONTRIB	[redacted]	

EXHIBIT 4

EXHIBIT 4

of the Northern Mariana Islands, and Wake Island.

[43 FR 49240, Oct. 20, 1978, as amended at 61 FR 19988, May 3, 1996; 62 FR 44188, Aug. 19, 1997; 62 FR 66971, Dec. 22, 1997; 70 FR 58961, Oct. 7, 2005; 80 FR 54974, Sept. 11, 2015]

§ 60–1.4 Equal opportunity clause.

(a) *Government contracts.* Except as otherwise provided, each contracting agency shall include the following equal opportunity clause contained in section 202 of the order in each of its Government contracts (and modifications thereof if not included in the original contract):

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.

(3) The contractor will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the contractor's legal duty to furnish information.

(4) The contractor will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(5) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(6) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(7) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(8) The contractor will include the provisions of paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions including sanctions for noncompliance: *Provided*, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

(b) *Federally assisted c tracts.* (1) Except as othe each administering ag quire the inclusion of language as a conditior contract, loan, insuranc involving federally ass tion which is not exem quirements of the equ clause:

The applicant hereby agre corporate or cause to be i any contract for constructi fication thereof, as define tions of the Secretary of Chapter 60, which is paid f part with funds obtained Government or borrowed or Federal Government pursu contract, loan, insurance, undertaken pursuant to a gram involving such grant insurance, or guarantee, th opportunity clause:

During the performance the contractor agrees as fol

(1) The contractor will against any employee or a ployment because of race sex, sexual orientation, ge national origin. The contra firmative action to ensure are employed, and that em ed during employment wi their race, color, religion, entation, gender identity, o Such action shall include, b to the following:

Employment, upgrading transfer; recruitment or re tising; layoff or terminatio other forms of compensati for training, including ap contractor agrees to post places, available to empl cants for employment, noti setting forth the provisi discrimination clause.

(2) The contractor will, i or advertisements for empl on behalf of the contract qualified applicants will ation for employment wi race, color, religion, sex, se gender identity, or national

(3) The contractor will n any other manner discrim employee or applicant for cause such employee or quired about, discussed, compensation of the empl or another employee or ap vision shall not apply to i an employee who has acc pensation information of o

Exhibit No. 18
Witness name:
S. Holman-Harries
Date: 05/08/19
Robin L. B. Osterode, CSR, RPR

EXHIBIT 5

EXHIBIT 5

U.S. Department of Labor

Office of Federal Contract Compliance Programs
Greater San Francisco/Bay District Office
90 7th Street, Suite 11-100
San Francisco, CA 94103

SEP 2 4 2014

OMB NO. 1250-0003
Expires 09/30/2014

VIA CERTIFIED MAIL
7001 0320 0004 6350 4953
RETURN RECEIPT REQUESTED

Top Onsite Official
Oracle America Inc.
500 Oracle Parkway
Redwood Shore, CA 94065

Dear Top Onsite Official:

The U.S. Department of Labor, Office of Federal Contract Compliance Programs (OFCCP) has selected your establishment located at 500 Oracle Parkway Redwood Shore, California for a compliance review under Executive Order 11246, as amended, Section 503 of the Rehabilitation Act of 1973, as amended, and the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, and their implementing regulations at 41 CFR Chapter 60. In addition, the review will include an examination of your establishment's compliance with the Federal Contractor Veterans' Employment Report (VETS-100) requirements (38 U.S.C. 4212(d)).

OFCCP will conduct the compliance review as described in the regulations at 41 CFR 60-1.20(a)(1) and 60-250.60(a)(1), 60-300.60, and 60-741.60, which outline the three possible phases of the process. These phases may include a desk audit, an onsite review, and an offsite analysis.

For the desk audit, please submit the following information: (1) a copy of your Executive Order Affirmative Action Program (AAP) prepared according to the requirements of 41 CFR 60-1.40 and 60-2.1 through 60-2.17*; (2) a copy of your Section 503/38 U.S.C. 4212 AAP(s) prepared according to the requirements of 41 CFR Parts 60-741 and 41 CFR Parts 60-250 and/or 60-300, respectively; and (3) the support data specified in the enclosed Itemized Listing.

OFCCP will treat the information you submit in response to this letter as sensitive and confidential to the maximum extent permitted under the Freedom of Information Act.

The findings OFCCP makes during the desk audit generally will determine whether an onsite review will be necessary, and if so, whether the onsite review will focus on one, two, or several issues. If an onsite review is necessary, we will notify you.

You should note that 41 CFR 60-2.2 authorizes the initiation of enforcement proceedings if the materials you submit for desk audit do not represent a reasonable effort* to meet the requirements of the regulations.
Please submit your AAPs and the support data specified in the enclosed Itemized Listing to the address listed on page one of this letter as

soon as possible, but no later than 30 days from the date of your receipt of this letter. We encourage you to submit as much information as possible in electronic format as doing so may reduce the amount of time it takes to complete our review.

If you have any questions concerning the compliance review, please feel free to contact Hea Jung Atkins, District Director, Greater San Francisco/Bay District Office at 415-625-7829.

Sincerely,

Hea Jung Atkins
District Director

Enclosure: Itemized Listing

***See Itemized Listing, "NOTE 1."**

NOTE: The authority for requesting the following information is Executive Order (EO) 11246, as amended; Section 503 of the Rehabilitation Act of 1973, as amended; and the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA), as amended, 38 U.S.C. 4212. The information will be used in the compliance evaluation process. Furnishing the requested information is required. Failure to furnish the requested information may constitute noncompliance with the contractor's obligations per the above authorities.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 1250-0003. The time required to complete this information collection is estimated to average 28.35 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send any comments concerning this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Office of Federal Contract Compliance Programs, Room C-3325, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

ITEMIZED LISTING

NOTE 1: The Executive Order AAP submission must demonstrate a reasonable effort to comply with 41 CFR Part 60-2. To do so, at a minimum, you must submit the following elements.

Both the AAP and support data are essential to conduct the desk audit phase of the compliance review. If any of the following information is computerized, you may submit it in an electronic format.

Executive Order AAP:

1. An organizational profile prepared according to 41 CFR 60-2.11.

2. The formation of job groups (covering all jobs) consistent with criteria given in 41 CFR 60-2.12;

3. For each job group, a statement of the percentage of minority and female incumbents, as described in 41 CFR 60-2.13;

4. For each job group, a determination of minority and female availability that considers the factors given in 41 CFR 60-2.14(c)(1) and (2);

5. For each job group, the comparison of incumbency to availability, as explained in 41 CFR 60-2.15.

6. Placement goals for each job group in which the percentage of minorities or women employed is less than would be reasonably expected given their availability, consistent with 41 CFR 60-2.16.

Support Data

7. A copy of your Employer Information Report EEO-1 (Standard Form 100 Rev., see 41 CFR 60-1.7) for the last three years.

8. A copy of your collective bargaining agreement(s), if applicable. Please also include any other information you have already prepared that would assist us in understanding your employee mobility system(s), e.g., promotion, etc.

9. Information on your affirmative action goals for the preceding AAP year and, where applicable (see below), progress on your goals for the current AAP year. See 41 CFR 60-1.12(b), -2.1(c) and -2.16.

For the preceding AAP year, this report must include information that reflects:

(a) job group representation at the start of the AAP year, (i.e., total incumbents, total minority incumbents, and total female incumbents);

(b) the percentage placement rates (% goals) established for minorities and/or women at the start of the AAP year; and

(c) the actual number of placements (hires plus promotions) made during the AAP year into each job group with goals (i.e., total placements, total minority placements, and total female placements). For goals not attained, describe the specific good faith efforts made to achieve them.

If you are six months or more into your AAP year on the date you receive this listing, please also submit information that reflects progress on goals established in your current AAP, and describe your implementation of action-oriented programs designed to achieve these goals (see 41 CFR 60-2.17(c)).

10. Data on your employment activity (applicants, hires, promotions, and terminations) for the preceding AAP year and, if you are six months or more into your current AAP year when you receive this listing, for the current AAP year. These data must be presented either by job group (as defined in your AAP) or by job title (see 41 CFR 60-3.4 and 3.15).

a. Applicants and Hires: The regulations at 41 CFR 60-2.17(b) and (d) require an analysis of your selection process, including whether the process eliminates a significantly higher percentage of minorities or women than nonminorities or men.

For each job group or job title, this analysis must consist of the total number of applicants and the total number of hires, as well as the number of minority and the number of female applicants and hires.

However, if some of your job groups or titles (most commonly, entry-level) are filled from the same applicant pool, you may consolidate your applicant data (but not hiring data) for those job groups or titles.

For example, where applicants expressly apply for or would qualify for a broad spectrum of jobs (such as "Production," "Office," etc.) that includes several job groups, you may consolidate applicant data.

b. Promotions: The regulations at 41 CFR 60-2.17(b) and (d) require an analysis of your promotion practices to determine if upward mobility of minority or female employees is occurring at a lesser rate (compared to workforce mix) than nonminority or male employees.

For each job group or job title, this analysis must consist of the total number of promotions, as well as the number of minority and the number of female promotions.

Please note that:

(1) If you present promotions by job group, indicate how your company defines promotions and the basis on which the data were compiled (e.g., promotions to the job group, from and/or within the job group, etc.), or

(2) If you present promotions by job title, include the department and job group from which and to which the person(s) was promoted.

c. Terminations: The regulations at 41 CFR 60-2.17(b) and (d) require an evaluation of the degree to which nondiscrimination policy is carried out with respect to employee terminations.

For each job group or job title, this analysis must consist of the total number of employee terminations, as well as the number of minority and the number of female terminations.

Please note that if you present terminations by job title, include the department and job group from which the person(s) terminated.

11. Please provide annualized compensation data (wages, salaries, commissions, and bonuses) by either salary range, rate, grade, or level showing total number of employees** by race and gender and total compensation by race and gender. Present these data in the manner most consistent with your current compensation system. If you maintain the information in electronic format, please submit in that format. See 41 CFR 60-1.4(a)(1). You may also include any other information you have already prepared that would assist us in understanding your compensation system(s). Alternatively, under the voluntary guidelines for self-evaluation of compensation practices, 71 Fed. Reg. 35114 (June 16, 2006), you have the option of seeking compliance coordination. If you so choose, you need not submit the annualized compensation data outlined in Item 11. However, you must notify OFCCP that you "seek compliance coordination under the voluntary OFCCP compensation self-evaluation guidelines."

**For this purpose, the method used to determine employee totals by the contractor should be the same as that used to determine employee totals in the organizational profile for the AAP.

EXHIBIT 6

EXHIBIT 6

From:	Luong, Hoan - OFCCP
To:	Shauna Holman Harries
CC:	Luong, Hoan - OFCCP
Sent:	11/20/2014 12:04:02 AM
Subject:	Oracle HQCA (Redwood Shores, CA) // request for additional pay data
Attachments:	Oracle_additional_pay_data_request.pdf

Dear Ms. Holman-Harries,

The Office of Federal Contract Compliance Programs (OFCCP) is currently reviewing the affirmative action plan that you submitted to the OFCCP on October 28, 2014. The OFCCP will need additional pay factors to evaluate Oracle's compensation practice. Enclosed with this email is a letter listing all the items that need to be submitted to OFCCP. Please provide the compensation data in Excel format.

Please submit the requested information to OFCCP by Wednesday, November 26, 2014.

Thank you,

Hoan Luong
Senior Compliance Officer
U.S. Department of Labor - OFCCP
90 7th Street, Suite 11-100
San Francisco, CA 94103
P: (415) 625-7835
F: (415) 625-7844
Luong.Hoan@dol.gov

The information contained in this message is intended only for the personal and/or confidential use of the recipients named above. This message is a government communication and/or work product and as such is privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited.

Exhibit No. 22
Witness name:
S. Holman-Harries
Date: 05/08/19
Robin L. B. Osterode CSR RPR

U.S. Department of Labor

Office of Federal Contract Compliance Programs
Greater San Francisco/Bay District Office
90 7th Street, Suite 11-100
San Francisco, CA 94103

VIA ELECTRONIC MAIL

November 19, 2014

Shauna Holman-Harries
Director of Diversity Compliance
Oracle America, Inc.
500 Oracle Parkway
Redwood Shores, CA 94065

Dear Ms. Holman-Harries:

As you are aware, Oracle America, Inc. ("Oracle") located at 500 Oracle Parkway, Redwood Shores, CA 94065, was selected for a compliance evaluation by the Office of Federal Contract Compliance Programs (OFCCP). We thank you for your submission of materials to our office, and look forward to working with your company as this evaluation progresses.

The office completed a desk audit review of the compensation data submitted. The results of our analysis indicate differences in average compensation that require further investigation of Oracle's compensation practices.

While the desk audit results suggest possible indicators of compensation discrimination, the results should not be regarded as a finding of discrimination with respect to Oracle's compensation system. The desk audit analysis is only an initial screening procedure based on limited information. Therefore, in an attempt to better understand the compensation practices of Oracle, we are requesting that you provide additional data for further analysis and clarification.

For the next phase of our investigation, we are requesting that you provide the following information, for all employees in your workforce, as of the date used for the salary analysis included in your AAP:

1. Name and Employee ID number;
2. Gender;
3. Race/Ethnicity;
4. National Origin (including country of origin, domestic/foreign, visa status/type);
5. Hire Date;
6. Time in Company;
7. Time in Job;
8. Date of Birth;
9. Education (if available);
10. Leave Status (if applicable);

11. Job Title;
12. Job Group;
13. Job Family;
14. Job Function;
15. Job Subfunction;
16. Department;
17. Business Unit;
18. Organizational Unit;
19. Employee Work Location[1];
20. Salary Band/Level/Grade;
21. Stock Level;
22. Base Salary;
23. Actual Bonus/Incentive Compensation Paid;
24. Who is Eligible or Ineligible for Actual Bonus/Incentive Compensation Paid;
25. Actual Equity/Compensation (including RSUs, other stock/equity awards) Paid;
26. All Other Components of Compensation Paid;
27. Actual Total Compensation;
28. Part-Time vs. Full-Time Status;
29. Exempt vs. Non-Exempt Status[2];
30. Other pay allowances, if any, such as commission pay, overtime pay, bonus pay or shift differential. Report each allowance in separate data columns;
31. All factors that are considered when determining pay allowances described in #30 above;
32. Data Dictionary (i.e., explanation of all codes for all submitted data)
33. Copies of employment manual and all human resources/employment policies, including compensation policies (i.e., compensation philosophy, salary bands, incentive/bonus policy, stock plans), promotion policies, and position/job descriptions;
34. All self-audits/pay equity studies and salary surveys;

These items are critical pieces of data that OFCCP needs to further evaluate the compensation differences identified during the desk audit. Please submit the data electronically in Microsoft Excel format 2010. We also suggest that the data be submitted on a password-protected CD.

At this stage of the investigation, OFCCP's goal is to better understand Oracle's compensation practices. Therefore, if any of the items requested above are not readily available, please contact us to discuss the specifics of the situation so that the best available and informative data is provided in a timely manner. OFCCP also encourages you to submit any additional information, data, or analyses used as factors in determining employee compensation (e.g., education, shift assignment, years of job-related experience prior to joining the company, etc.) that you believe is appropriate for OFCCP to consider in determining whether to investigate further. OFCCP will take such information, data, and analyses into account when making a determination as to whether further investigation is warranted.

---

[1] *If the location of an employee affects his or her compensation because of economic market conditions or actual work performed at that location, please identify the location for all employees.*

[2] *If some employees receive a uniform base hourly rate for a specific job, please identify these employees and describe their compensation system.*

Should you have any questions regarding this request, or feel that we have overlooked a vital piece of information, please contact me at (415) 625-7835. Please respond to the requests set forth in this letter within five (5) business days of receipt. Thank you for your cooperation.

Sincerely,

Hoan Luong
Senior Compliance Officer
San Francisco District Office

EXHIBIT 7

EXHIBIT 7

ORRICK

ORRICK, HERRINGTON & SUTCLIFFE LLP
THE ORRICK BUILDING
405 HOWARD STREET
SAN FRANCISCO, CALIFORNIA 94105-2669

tel +1-415-773-5700
fax +1-415-773-5759

WWW.ORRICK.COM

March 31, 2015

Gary R. Siniscalco
415/773-5833
grsiniscalco@orrick.com

VIA E-MAIL

Mr. Brian L. Mikel
Acting Assistant District Director
Office of Federal Contract Compliance Programs
Los Angeles District Office
1640 S. Sepulveda Blvd., Suite 440
Los Angeles, CA 90025

Re: OFCCP Compliance Evaluation: Oracle Redwood Shores

Dear Mr. Mikel:

I represent Oracle in connection with its Affirmative Action and Equal Employment Opportunity Compliance practices. I have been asked to respond to four different requests, both written and oral, for a listing of employees who have made complaints at HQCA by name, etc.

For the reasons set forth below, Oracle respectfully objects to these various requests on a number of grounds including, but not limited to, the following: these requests are vague, ambiguous, overly broad, irrelevant, request information on agency charges that is equally and in some respects more available to the OFCCP, violate employees' privacy rights, contain conflicting requests, and otherwise seek information beyond the scope of OFCCP policy and authority.

I note, for example, that the FCCM describes and explains that compliance officers should be focused on assessing a contractor's process and procedure. There is nothing that I am aware of that warrants or suggests a search for each and every internal employee complaint. To the extent OFCCP expects employees to bring complaints to its attention, OFCCP has adopted by regulation the applicable complaint procedure and posted Notice.

Notwithstanding these objections, Oracle will provide certain public information known to it. As discussed below, however, I think it important to first describe and address OFCCP's various requests.

On March 4, 2015, OFCCP made four numbered requests for information regarding "employees" at HQCA. Two of those requests (#1 and 3) asked for information and specified a period "within the past three years". Those requests related to employee lists for maternity leave and for reasonable accommodations.

Request #3 was for a listing of employees who are veterans. This request made no reference to past (former) HQCA employees. Similarly the 4th numbered request asked for a "listing of employees" and made no reference to the past three years or any prior period. Further it asked for "complaints". Thus, both of these latter requests, presumably and reasonably, were understood as pertaining to current HQCA employees.

Since OFCCP has full access to, and per its manual, is expected to ascertain outstanding charges filed with EEOC and the state agency (DFEH), we saw no reason to duplicate its own information regarding present employees.

Accordingly, Oracle answered "None", since we knew of no charges or lawsuits by current HQCA employees.

On the night of March 19, only after Shauna Holman-Harries emailed to OFCCP a request for the written advance notice of onsite, which OFCCP policy mandates be sent by compliance officers to contractors "at least three business days in advance", did OFCCP then respond belatedly with a massive information request. Although Ms. Holman-Harries was hit with the massive request with less than two business days before the scheduled onsite, she confirmed her effort and intent to be responsive, rather than tell OFCCP it was simply too late and to reschedule the onsite.

She also expressly asked for a written explanation for the inexcusable delay in sending the written notice that clearly had been sitting with OFCCP officials for some time. She has yet to receive any such explanation. I renew that request on her behalf.

In that nighttime March 19 request, OFCCP sought to repeat its prior March 4 request for complaints, but actually recharacterized and rephrased it.

The new request # 2 stated:

"WORKPLACE DISCRIMINATION COMPLAINTS: As stated in the onsite letter, please have available all information related to internal complaints....."

A simple reading and comparison of this and the March 4 request show the March 19 request to be entirely new, or at the very least, a significant reinterpretation and expansion of the March 4 request

OFCCP officials then compounded the confusion when four of them were questioning in-house counsel Juana Schurman, who was on OFCCP's list of employee interviews. OFCCP expressly stated that the employee interviews would cover the employee's own employment experience as an employee at Oracle. Since she was home sick she agreed to a phone interview.

During that interview, despite their express representations, OFCCP officials switched back and forth in their questioning and asked her questions in her legal and managerial capacity. Among other things, one of the four addressed the issue of internal complaints, asked questions about internal complaints, and said words to the effect that they wanted complaints by HQCA employees "during the review period". This was obviously a temporal extension of the request. Presumably they were referring to the original scheduling letter that specified the first six months of the current AAP year (Jan - June, 2014) and the preceding AAP year (2013).

In the meantime, earlier that same day, at the beginning of the Entrance conference, in the presence of senior Oracle executives who were there to welcome OFCCP and share their overall perspective of Oracle and its practices, and in the presence of Regional Director Wipper, one OFCCP official made unprofessional, inaccurate and blatantly bullying comments, including a threat of possible criminal prosecution for giving supposedly false information, regarding Oracle's response to the initial March 4 request on complaints. The OFCCP official then cited to a lawsuit he had apparently googled online (*Spandow v. Oracle*), and accused Oracle, in an apparent effort at "gotcha", of not listing that employee. However, Mr. Spandow last worked for Oracle in 2012 and thus would not been included under any of OFCCP's varied forms of request.

Neither Ms. Wipper, who was present, nor anyone at OFCCP, has apologized for the false reference or the unprofessional manner in which the threat and reference to criminal conduct was made.

Finally, on March 26, you emailed a fourth, and further modified request to Ms. Holman Harries.

Notwithstanding the confusing and confounding progression of OFCCP's written and oral requests, and even though OFCCP has full and equal access, we list below all known Administrative charges and pending complaints against Oracle filed by any current or former HQCA employee going back to 1/2013. We will continue to search for others.

Listing of Employee lawsuits and known agency charges. All three are former employees

MaryAnn Gacusan, complaint filed, San Mateo Superior Court, 1/07/15

James Clark, DFEH charge, 1/2/14

Alison McMullen, DFEH charge, 6/18/14

Based on the objections set forth above, and in the absence of any explanation or authority from OFCCP for its request for extensive details on all internal complaints, including names, etc., we respectfully decline to provide them.

ORRICK

I would be happy to discuss what more Oracle can do to show you and your colleagues that it has a very robust process and procedure for addressing employees concerns of all kinds. Finally, I assume that in preparation for your onsite review you looked at Oracle's compliance history and confirmed that its record is outstanding. I would have expected that you and your team would have taken the opportunity while you were on-site to learn first-hand from Oracle's diverse group of senior executives about Oracle's policies and practices that make Oracle a desirable place to work with a strong record of diversity and inclusiveness. My understanding, however, is that several senior executives who were interviewed (women and minorities) felt disrespected and that their roles and efforts in affirmative action, diversity and inclusion were ignored due to the type and nature of some questions. Finally, I understand that despite OFCCP's insistence on having a large group of senior executives set aside times from their schedules for their interviews, many were cancelled by you and your team at the last minute. Oracle also heard from employees who accepted OFCCP's invitation to be interviewed that they were not being contacted about an interview time. I would expect that future interviews, if any, be done in a more appropriate, respectful, and timely fashion.

Very truly yours,

Gary R. Siniscalco

EXHIBIT 8

EXHIBIT 8

U.S. Department of Labor

Office of Federal Contract Compliance Programs
Greater San Francisco/Bay District Office
90 7th Street, Suite 11-100
San Francisco, California 94103

VIA EMAIL

April 27, 2015

Shauna Holman-Harries
Director Diversity Compliance
Oracle America, Inc.

Dear Ms. Holman-Harries:

Thank you for your cooperation and assistance during our March 24 – 27 onsite. It is our desire to complete this compliance evaluation in an efficient and effective manner. In order to complete the on-site phase of the compliance evaluation, we will need to conduct a follow-up onsite to interview select first level managers, college recruiter(s), and Oracle's in house counsel Juana Schurman in her capacity as Vice President and Associate General Counsel. We would also like to conduct a brief follow-up interview with Lisa Gordon. Please advise whether you have availability for approximately three to four days from May 4 to May 7 for a follow-up onsite. If the week of May 4 does not work, please let me know if the week of May 18 or May 26 are feasible. A list of the interviewee names will be sent shortly.

In addition, please provide the following information, some of which have already been requested, by May 8, 2015:

1. A screenshot of a software developer employee's page on each of Oracle's internal websites: (1) Compensation Workbench (CWB) and (2) Information Workbench (IWB). From the CWB, please also provide a screenshot of the page used by a manager when making a starting salary recommendation for a new hire and a wage increase recommendation for an Oracle employee. (originally requested on February 10, 2015).

2. Employee personnel actions containing job and salary information and history for all employees and student interns. This information should include, but not be limited to, starting wages, wage increases, bonus awards, job title hired into, starting stock level, job title and supervisor changes, stock level changes, promotion history, performance evaluations, ranking information, etc. with dates associated for each action. (the salary history was originally requested February 10, 2015)

3. Dates of any internal pay equity analysis conducted during the past three years, as required under 60-2.17. For each analysis, include:

Exhibit No. 30
Witness name:
S. Holman-Harries
Date: 05/08/19
Robin L. B. Osterode CSR RPR

- Dataset used for that analysis
- Actions taken, if any, as a result of the analysis

4. HQCA March 2015 submission of number of protected Veterans included only 19 individuals. VETS 100-A report stated a total of 137 veterans. Please provide a detailed explanation of this discrepancy.

5. Please provide a detailed explanation of why the total workforce in the AAP only had 7,421 employees but the 2014 EEO-1 report showed 16,015 employees.

6. For all employees who were hired during the review period 01/01/2013 – 06/30/2014, include the following in separate columns:
   - Visa status (yes/no)
   - If they are on visa status, include the specific visa (not limited to H1B) they were holding

7. Please resubmit the compensation database (snapshot as of 01/01/2014) to include each of the following, some of which have already been requested, in separate columns:
   - Starting wages/salary
   - School attended
   - Educational degree
   - Prior salary immediately before joining Oracle
   - Performance evaluation rating
   - Rank (by performance)
   - Hire date/Acquisition date
   - Hourly wages
   - Number of hours worked
   - Years of experience before joining Oracle
   - Stock level
   - Hiring manager(s)
   - Amount of signing bonus
   - Visa status
   - Type of visa, including but not limited to H1B
   - The date (mm/dd/yyyy) that the visa was initially processed
   - Current status of visa
   - The date (mm/dd/yyyy) that green card/permanent resident card was processed

8. Please resubmit the Resume Files that were sent on Thursday, March 26, 2015, in an easy to read format. The picture-format resumes pasted on MS Word could not be easily read.

9. For all applicants and total hires in the following job titles from January 1, 2013 to June 30, 2014, please provide the following:
   - Copies of each requisition, including copies of each job posting and each job description

- Copies of all applications, resumes and any and all supplemental information submitted by each applicant
- Name and job title of the hiring manager(s) for each requisition
- Date of hire for each requisition
- Name and job title of individual hired for each requisition

Job Titles:
Software Developer 1 (77 applicants; 11 hires)
Software Developer 2 (1328 applicants; 167 hires)
Software Developer 3 (799 applicants; 87 hires)
Software Developer 4 (874 applicants; 104 hires)
Software Developer 5 (367 applicants; 56 hires)
Student Interns (or Job Group C1) (1022 applications; 85 hires)

10) For all promotions in the following job titles from January 1, 2013 to June 30, 2014, please provide the following:

- Copies of relevant documentation related to the promotion, including but not limited to, job posting, job description and any and all information submitted by each applicant for promotion
- For each promotion, name, race, gender, date of promotion, job title promoted from, job title promoted into, type of promotion (competitive or non-competitive), change in salary, change in stock level
- Description of Oracle's promotion process

Job Titles:
Telesales Business Development Manager
Telesales/Internet Sales Manager
Marketing Comm/PR Specialist 4

11) Supporting documentation of employee terminations for the following job titles from January 1, 2013 to June 30, 2014:

- Software Developer – Architect (63 total; 3 terminations)
- Senior Internet Sales Consultant (47 total; 4 terminations)
- Associate Internet Sales Representative (56 total; 7 terminations)
- Principal Sales Consultant (35 total; 5 terminations)
- Internet Sales Representative II (155 total; 3 terminations)

Finally, please confirm that Oracle has provided complete and accurate information for all of its data submissions to the OFCCP to date, including all relevant compensation information and factors affecting pay as submitted by Oracle. In order to facilitate the most efficient and effective review, we request that Oracle affirmatively state in a written response that all information submitted to date is complete and accurate.

For the follow-up onsite, we request that you provide 2 interview rooms so that we may conduct 2 simultaneous interviews while onsite. We anticipate that each interview may take up to 2 hours. We will work together over the coming days to develop an interview schedule.

Additional data and/or information may be identified and requested prior to and during the on-site evaluation. If you have any questions, please contact me at (415) 625-7829.

Sincerely,

Hea Jung Atkins
District Director

EXHIBIT 9

EXHIBIT 9

From: Shauna Holman Harries <shauna.holman.harries@oracle.com>
To: Atkins, Hea Jung K - OFCCP <Atkins.HeaJung@dol.gov>
CC: Luong, Hoan - OFCCP <Luong.Hoan@dol.gov>;Neil Bourque <neil.bourque@oracle.com>;Charles Nyakundi <charles.nyakundi@oracle.com>;Bill Couch <william.couch@oracle.com>;Lida Daniel <lida.daniel@oracle.com>;Vickie Thrasher <victoria.thrasher@oracle.com>
Sent: 6/2/2015 5:27:11 PM
Subject: April 27 RFI Item 3

Hello Hea Jung. I am sending this email in response to your request #3 in your April 27 letter regarding internal pay equity analysis during. To answer your question, I refer you to the lengthy interview conducted with Lisa Gordon by Brian Mikel over two days on January 9 and 13, 2015. Mr. Mikel was also provided with an explanation of pay and the pay review process on January 9. In sum, pay equity at Oracle, and ensuring fairness and consistency among or between cohorts, is an-going process, and an integral part of Oracle's evaluation of its compensation systems.

During her interview with Mr. Mikel, Ms Gordon was asked extensively what Oracle has in place to assess employee pay and to ensure fairness and consistency relative to its jobs and the legitimate, non-discriminatory factors used by Oracle. In sum, she noted the role of HR or Compensation, and/or a manager, in reviewing where a new hire's pay falls relative to incumbent cohorts. She also referred to the Company's compensation policies and training materials we previously provided to OFCCP. She also identified the process of focal reviews as another tool to assess relative pay. She also identified the role played by Carolyn Balkenol and her team in essentially providing a further point of process quality control.

As you will also recall, Ms Balkenol was interviewed during the on-site. Although the OFCCP never provided any notes of her interview, which took place Thursday, March 26, Neil Bourque was present. As Ms Balkenol explained during this interview, she does not conduct any substantive review of pay decisions. Rather she does "quality control" of the hiring paperwork and process. She also was asked whether, at her level, the conversation is on raising or lowering salary. She said "no" and that in any such instance she would send it to "Compensation."

With regard to pay audits to assess legal compliance with Oracle's non-discrimination obligations and to further ensure Oracle's compensation policies and practices are carried out, those are conducted by our outside EEO compliance counsel at Orrick.

Best Regards,
Shauna Holman-Harries

Exhibit No. 31
Witness name:
S. Holman-Harries
Date: 05/08/19
Robin L B Osterode CSR RPR

ORACLE
Shauna Holman-Harries - Director Diversity Compliance
Phone: +1 602 333 9112 | Fax: +1 602 333 9112 | Mobile: +1 480 689 1858

"Working to create an inclusive, diverse culture that drives innovation and business success."
The information in this email is confidential and may be legally privileged. It is intended solely for the addressee. Access to this email by anyone else is unauthorized. If you are not the intended recipient, any disclosure, copying, distribution, or any action taken or omitted to be taken in reliance on it, is prohibited and may be unlawful. No internal Oracle email, except that clearly intended for public distribution (e.g. Oracle Press Releases), should be sent to any party outside Oracle.

Oracle is committed to developing practices and products that help protect the environment

EXHIBIT 10

EXHIBIT 10

Luong, Hoan - OFCCP

m: Atkins, Hea Jung K - OFCCP
nt: Wednesday, August 26, 2015 2:16 PM
To: Shauna Holman Harries (shauna.holman.harries@oracle.com)
Cc: Luong, Hoan - OFCCP
Subject: Oracle Redwood Shores
Attachments: Oracle_HQCA_Gary_Siniscalco (7-30-2015).pdf

Hi Shauna,

We haven't received responses to the attached letter. Please advise. For example, during the Pleasanton onsite, you advised we would be receiving part of #5 the week of August 3 but we haven't received it yet. As part of #3 attached, could you please provide wage information for snapshot date 1/1/13, containing all fields already submitted for snapshot date 1/1/14?

Thank you,
Hea Jung

Exhibit No. 39
Witness name:
S. Holman-Harries
Date: 05/08/19
Robin L B Osterode CSR RPR

U.S. Department of Labor

Office of Federal Contract Compliance Programs
Greater San Francisco/Bay District Office
90 7th Street, Suite 11-100
San Francisco, California 94103

VIA EMAIL AND U.S. MAIL

July 30, 2015

FILE COPY

Mr. Gary R. Siniscalco
Orrick, Herrington & Sutcliffe LLP
405 Howard Street
San Francisco, CA 94105-2669

RE: Compliance Evaluation of Oracle, Redwood Shores, CA

Dear Mr. Siniscalco:

This letter is in response to your correspondence dated July 9, 2015. As explained in our previous correspondences, we disagree with your continued mischaracterization of this audit. (*See* OFCCP letters dated April 14, 2015, May 11, 2015, and email to Shauna Holman Harries on July 2, 2015) However, we are encouraged that your client is eager to cooperate with us in completing the evaluation of Oracle Redwood Shores and request that you submit the following outstanding items by August 14, 2015:

1. Internal pay equity analysis conducted during the past three years, as required under 41 C.F.R § 60-2.17. For each analysis, include the date of analysis, dataset used for the analysis, and actions taken, if any, as a result of the analysis. *This item was previously requested on 11/19/14 with follow up requests made on 1/22/15, 2/10/15, 4/27/15, 5/11/15, 5/19/15 and 5/28/2015.*

2. Resubmit compensation database provided on 6/16/15 with 1/1/14 snapshot date, with the following additional information, and any other relevant compensation information and factors affecting pay, added in separate columns:
   - Name of school attended
   - Educational degree earned
   - Prior salary immediately before joining Oracle
   - Performance evaluation rating
   - Rank (by performance)
   - Years of experience before joining Oracle
   - Hiring manager(s)
   - Amount of signing bonus
   - Visa status
   - Type of visa, including but not limited to H1B
   - Date (mm/dd/yyyy) that the visa was initially processed

- Current status of visa
- Date (mm/dd/yyyy) that green card/permanent resident card was processed

Some of this information was initially requested on 11/19/14 and 2/10/15. Most recent status requests were made on 4/27/15, 5/11/15, 5/19/15 and 5/28/15.

3. Employee personnel actions containing job and salary information and history for all employees and student interns. This information should include, but not be limited to, starting wages, wage increases, bonus awards, job title hired into, starting stock level, job title and supervisor changes, stock level changes, promotion history, performance evaluations, ranking information, with dates associated for each action. *The salary history information was originally requested on 2/10/15. Other items were requested on 4/27/15. Status requests were made on 5/11/15, 5/19/15 and 5/28/15.*

4. For all employees who were hired during the period of 1/1/13 – 6/30/14, resubmit the applicant flow log submitted on 2/19/15 to include the following in separate columns:
   - Visa status (yes/no)
   - If they are on visa status, include type of visa

   Request for visa status was initially made on 11/19/14. Status requests were made on 4/27/15, 5/11/15, 5/19/15 and 5/28/15.

5. Applicant flow log for all hires during the period of 1/1/12 – 12/31/12. This should include the following:
   - First and Last Name
   - Sex
   - Race/Ethnicity
   - Visa Status (yes/no)
   - If they are on visa status, include type of visa
   - Job Title
   - Job Group
   - Department
   - Vacancy/Requisition Number
   - Disposition Code
   - Date of Hire
   - Date of Application
   - Name and job title of the hiring manager (s) for each vacancy/requisition

6. Please resubmit the Resume Files that were sent on 3/26/15, in an easy to read format. The picture-format resumes pasted on MS Word is not legible. *This information was requested on 4/27/15 with follow-up requests made on 5/11/15, 5/19/15 and 5/28/15.*

7. For all applicants and hires in the Software Developer I-5 job titles from January 1, 2012 to June 30, 2014, please provide the following:
   - Copies of each requisition, including copies of each job posting and each job description

- Copies of all applications, resumes and any and all supplemental information submitted by each applicant
- Name and job title of the hiring manager(s) for each requisition
- Date of hire for each requisition
- Name and job title of individual hired for each requisition

Some of this information was requested on 4/27/15 with follow-up requests made on 5/11/15, 5/19/15, and 5/28/15/15.

8. Please provide non-redacted personnel files of the following individuals:
   - Anne Ephraim
   - Anuradha Sri Mantripragada
   - Bhagya Yalakshmi Veeraraghavan
   - Bhagyalakshmi (Bhagya) Veeraraghavan
   - Chandana Rattehalli
   - David Cheng-Fang Liu
   - Donnalyn Marie Villados
   - Guiling Sui
   - Huong Thu Nguyen
   - Ian Spandow
   - James Clark
   - John Barron
   - Juan Oropeza
   - Krishnaraj (Krishna) Nandakumar
   - Mandy Troung
   - Maryanne Gacusan
   - Mitsuko Kashima
   - Neha Sethi
   - Nikhil Sabharwal
   - Oksana Stepaneeva
   - Oleg Golubtsov
   - Ping Wan
   - Praveen Mandya Narayana
   - Rajesh Bella
   - Sang Hatee
   - Sarah S. Moskovitz
   - Saxena Vishwadeep
   - Shivani Gupta
   - Sophia Tsay
   - Sungpack Hong
   - Sunnia H Liu
   - Vaishali Arun Chopde

9. Contact information for all current and former employees during the review period, including home phone, cell phone, and personal email addresses. *This request was initially made on 5/29/15. A follow-up request was made on 7/2/15.*

10. A list of current and former employees who have made internal and external discrimination, harassment or retaliation complaints or otherwise opposed any form of discrimination, harassment or retaliation at Oracle Redwood Shores (HQCA) during the last 3 years by: name, gender, race, national origin, job title, organization, discipline, profession. *This request was originally made on 3/4/15. Subsequent requests were made on 3/24/15, 3/26/15, and 4/15/15.*

Please be advised that any further delays or failure to provide the requested information may lead to the issuance of a Notice to Show Cause. Further, neither this letter, nor prior requests for

information precludes the possibility of future requests as deemed necessary in determining Oracle's compliance with Executive Order 11246, Section 503, and 38 U.S.C. § 4212 and their implementing regulations. If you have any questions regarding this matter, please contact me at (415) 625-7829.

Sincerely,

for Hea Jung Atkins
District Director

EXHIBIT 11

EXHIBIT 11

From:	Shauna Holman Harries <shauna.holman.harries@oracle.com>
To:	Luong, Hoan - OFCCP <Luong.Hoan@dol.gov>
CC:	Neil Bourque <neil.bourque@oracle.com>;Lida Daniel <lida.daniel@oracle.com>;Charles Nyakundi <charles.nyakundi@oracle.com>;Sean Smith <sean.s.smith@oracle.com>;Kela Moon <kela.moon@oracle.com>
Sent:	10/29/2015 9:05:01 PM
Subject:	HQCA 1 of 29
Attachments:	HQCA Compensation Report no Vlookup with extra visa data 10-22-15.xlsx; HQCA Ranking Report 2013 no vlookup.xlsx

Hi Hoan. Responsive data and documents will be sent to you in a number of emails due to the amount of information we are submitting. We address specific requests below.

On your added October 14th requests, you asked for a large number of new items as part of your many requests for information. Gathering this information will take considerably more time. We will have to get back with you as to when we will be able complete these additional requests and also note any concerns we have with these requests. In addition to our very heavy work load, one of our compliance team members is away on leave.

1. Internal pay equity analysis conducted during the past three years, as required under 41 C.F.R. § 60-2.17. For each analysis, include the date of analysis, dataset used for the analysis, and actions taken, if any, as a result of the analysis. This item was previously requested on 11/19/14 with follow up requirements made on 1-22-15, 2-10-15, 4-17-15, 5-11-15, 5-19-15 and 5-28-15.

We have responded previously. We note that this request was part of a larger request that we initially responded to on December 11, 2014. In her telephone interview with Brian Mikel and Jennifer Yeh on January 13, 2015, our compensation director, Lisa Gordon, talked about the process followed to evaluate compensation at Oracle. We sent the final version of the notes of that interview to Mr. Mikel and Ms. Yeh on February 10, 2015. We again addressed our pay equity analysis in an email sent to Hea Jung Atkins on June 2, 2015.

2. Resubmit compensation database provided on 6-16-15 with 1-1-14 snapshot date, with the following additional information, and any other relevant compensation information and factors affecting pay, added in separate columns:

HQCA Ranking Report 2013 no vlookup.xlsx and HQCA Expanded Compensation October 2015 completed.xlsx You ask for any other "relevant compensation and factors." We do not know what you mean in light of prior responses and due to OFCCP not providing any information on its areas of focus. Please see prior responses, requests, and concerns.

- Names of school attended We don't have this data in any database and if it is available in an individual employee's file it would be extremely burdensome and time consuming to compile.
- Education degree earned See response to first bullet.
- Prior salary immediately before joining Oracle See prior response.
- Performance evaluation rating 2013 data in spreadsheet.
- Rank (by performance) HQCA Ranking Report 2013 no vlookup.xlsx
- Years of experience before joining Oracle See response to first bullet. In addition, please note that "years of experience" is unclear.
- Hiring manager(s) Added to compensation database (cell R).
- Amount of signing bonus We broke out all the bonus types for 2013, including Sign on Bonus, (cells BY-CO).
- Visa status See HQCA Compensation Report no Vlookup with extra visa data 10-22-15.xlsx
- Type of visa, including but not limited to HIB It is in the base (cell K).
- Date (mm/dd/yyyy) that the visa was initially processed See HQCA Compensation Report no Vlookup with extra visa data 10-22-15.xlsx
- Current status of visa Same as Visa Status.
- Date (mm/dd/yyyy) that green card/permanent resident card was processed See HQCA Compensation Report no Vlookup with extra visa data 10-22-15.xlsx
- Bonus amount It is in the base 2013 (cells BY-CO).
- Bonus type, and It is in the base 2013 (cells BY-CO).

Exhibit No. 38
Witness name:
S. Holman-Harries
Date: 05/08/19
Robin L. B. Osterode, CSR, RPR

- Stock level. It is in the base (cell CY).

  Some of this information was initially requested on 11-19-14 and 2-10-15. Most recent status requests were made on 4-27-15, 5-11-15, 5-19-15, and 5-28-15.

These requests appear to be duplicate and/or overlapping. We submitted compensation for the varying requests the OFCCP has made on 12-11-14 spreadsheet, 12-15-14 spreadsheet, 2-20-15 spreadsheet, 2-26-15 Training, 3-17-15 spreadsheet, 5-14-15 compensation workbench information, 6-16-15 spreadsheet.

4. Employee personnel actions containing job and salary information and history for all employees and student interns. This information should include, but not be limited to, starting wages, wage increases, bonus awards, job title hired into, starting stock level, job title and supervisor changes, stock level changes, promotion history, performance evaluations, ranking information, with dates associated for each action. The salary history information was originally requested on 2-10-15. Other items were requested on 4-27-15. Status requests were made on 5-11-15, 5-19-15, and 5-28-15.

We submitted compensation for the varying requests the OFCCP has made on 12-11-14 spreadsheet, 12-15-14 spreadsheet, 2-20-15 spreadsheet, 2-26-15 Training, 3-17-15 spreadsheet, 5-14-15 compensation workbench information, 6-16-15 spreadsheet. I don't understand the need or basis for this enormous amount of additional information. It is extremely burdensome and time consuming to compile. Are there specific issues/persons about whom you have a concern? If so, please give those to me.

5. For all employees who were hired during the period of 1-1-13 thru 6-30-14, resubmit the applicant flow log submitted on 2-19-15 to include the following in separate columns: Don't track on applicant information
   a. Visa status (yes/no) We do not ask Visa status on the Oracle application and thus Visa status is not shown on the applicant flow log.
   b. If they are on visa status, include type of visa. We do not ask Visa status on the Oracle application and thus Visa status is not shown on the applicant flow log.

Request for visa status was initially made on 11-19-14. Status requests were made on 4-27-15, 5-11-15, 5-19-15, and 5-28-15.

The initial request for Visa status was made on 11-19-14 under the category of National Origin. Oracle does not collect information on National Origin. A request for H1B Visa was made by Milton Crossland on 2-10-15. Oracle provided the H1B information for its HQCA location on March 17. The data you have asked for in the past has been on existing employees and not applicants; however, with that said, we do not collect visa information on applicants. We are not aware of any federal regulation that requires contractors to collect visa information on applicants, and as such, we would not collect information of this type unless we had a use for it under federal regulations.

6. Applicant flow log for all hires during the period of 1-1-12 thru 12-31-12.

We do not understand the basis or rationale for all of the detail in this request. Please explain. Moreover, some of this information, if available, is burdensome and time consuming to compile.

- First and Last name
- Sex
- Race/Ethnicity
- Visa Status (yes/no) Not included on applicant flow log.
- If they are on visa status, include type of visa. Not included on applicant flow log.
- Job Title
- Job Group
- Department
- Vacancy/Requisition Number
- Disposition Code
- Date of Hire
- Date of Application
- Name and job title of the hiring manager for each vacancy/requisition

7. Please resubmit the Resume Files that were sent on 3/26/15, in an easy to read format. The picture-format resumes pasted on MS Word is not legible. This information was requested on 4-27-15 with follow-up requests on 5-11-15, 5-19-15, and 5-28-15.

These files are available in no other format. See our responses on 6-7-15 and 6-10-15.

With regard to this request, we told you there is no other format we can use to submit resumes and applications and that we would have to rely on screen shots pasted into a word or pdf document. In fact, we completed a lengthy time motion study carefully outlining the amount of time that this request will take. When we talked to you in person at the second HQCA onsite audit we told you it could take 6 months to a year to complete this request. We explained how onerous this process is on 6-7-15 and sent you the process workflow on 6-10-15.

8. For all applicants and hires in the Software Developer 1-5 job titles from January 1, 2012 to June 30, 2014, please provide the following:

Done with SD 4, 5, and interns. Thumb drive with interns recently sent to Hea Jung Atkins. SD 4 and 5 sent several months ago. Working on SD 1, 2 and 3. The employee working on this item has gone out on a leave of absence. We do not know when he will be back. We may have to redo some of these items in order to complete this request.

- Copies of each requisition, including copies of each job posting and each job description.
- Copies of all applications, resumes and any and all supplemental information submitted by each applicant.
- Name and job title of the hiring manager for each requisition.
- Date of hire for each requisition.
- Name and ob title of individual hired for each requisition.

Some of this information was requested on 4-27-15 with follow-up requests made on 5-11-15, 5-19-15, and 5-28-15.

Please see information under #6. In addition, we have given you a large number of college hire resumes in paper format. The college hires we gave you the paper resumes for on 6-24-15 were not tracked through our online system. This is the reason why we were able to submit this group's resumes in paper format rather than in screen shots. We sent you a batch of Software Developer 4 and 5 resumes on 9-10-15 on a protected thumb drive. After discussing how long it will take to copy all of the resumes, you told us to focus on Software Developer 4 and 5. We just completed working on the student interns which were sent to you on a thumb drive last week. We are doing the best we can and have asked you (7-7-15 email and on HQCA onsite in June) if there was any way you could tell us about what areas you have the greatest concern so we could reduce the size of the request and gather the information you want sooner.

9. Please provide non-redacted personnel files of the following individuals:

We will provide this limited set of personnel files for off-site review with the understanding that such employee files normally are reviewed by OFCCP on site and Oracle does not normally send employee personnel files off-site due to confidentiality and employee privacy concerns. We agree to provide this limited set of files but request that once you make copies, or notes, of the personal files documents as you deem necessary and relevant for your review, you will either return to me the actual personnel files or confirm that you have destroyed them. Please note that employees' personal private contact information and social security numbers have been redacted. Any personal, private employee information we have may have inadvertently overlooked and not reacted is not intended as a waiver of any employee's privacy rights. See HR files copied in zip file.

- Anne Ephraim
- Anuradha Sri Mantripragda
- Bhagya Yalakshmi Veeraraghavan
- Bhagyalakshmi (Bhagya) Veeraraghavan
- Chandana Rattenhalli
- Maryanne Gacusan
- Mitsuko Kashima
- Neha Sethi
- Nikhil Sabharwal
- Oksana Stepaneeva

- David Cheng-Rang Lin
- Donnalyn Marie Villadox
- Guiling Sui
- Huong Thu Nguyen
- Ian Spandow
- James Clark
- John Barron
- Juan Oropeza
- Krishnaraj (Krishna) Nandakumar
- Manda Troung
- Vaishali Arun Chopde
- Oleg Golubtsov
- Ping Wan
- Praveen Mandya Narayana
- Rajesh Bella
- Sang Hatee
- Sarah S. Moskovitz
- Saxena Vishwadeep
- Shivani Gupta
- Sophia Tsay
- Sungpack Hong
- Sujnia H Lin

10. Contact information for all current and former employees during the review period, including home phone, cell phone, and personal email addresses. This request was initially made on 5-29-15. A follow-up request was made on 7-2-15.

We have addressed this request on 6-3-15 in an email to Hoan Luong in response to his very broad request that failed to distinguish the group of employees he wanted the information for. In our 6-3 email we asked for the basis of this request. We followed up on 7-7-15 in an email to Hea Jung Atkins again asking for the basis of this request. To date we have not received a response.

11. A list of current and former employees who have made internal and external discrimination, harassment or retaliation complaints or otherwise opposed any form of discrimination, harassment or retaliation at Oracle Redwood Shores (HQCA) during the last 3 years by: name, gender, race, national origin, job title, organization, discipline, profession.

We addressed this request in two different letters written by our outside counsel, Gary Siniscalco. The first letter was written to Brian Mikel on 3-31-15 and the second letter was written to Jane Suhr on 4-27-15.

Best Regards,
Shauna Holman-Harries

ORACLE

Shauna Holman-Harries - Director Diversity Compliance
Phone: +1 602 333 9112 | Fax: +1 602 333 9112 | Mobile: +1 480 689 1858

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Oracle is committed to developing practices and products that help protect the environment

EXHIBIT 12

EXHIBIT 12

ORACLE (PLEASANTON, CA) COMPENSATION QUESTIONS

DATE: 1/9/15, 9:00 a.m. Hawaii Time, continued on 1/13/15, 9 a.m. Hawaii Time

Oracle Participants:

Lisa Gordon, Director Compensation

Neil Bourque, Sr. Compliance Analyst

Lida Daniel, Sr. Compliance Analyst

Shauna Holman-Harries, Director Diversity Compliance

OFCCP Participants:

Brian Mikel, Area Office Director

Jennifer Yeh, Compliance Officer

NAME OF PRIMARY INTERVIEWEE: Lisa Gordon(has been on alot of calls with OFCCP and is the go-to person)

GENDER/RACE: Female/Caucasian

JOB TITLE: Compensation Director

DEPARTMENT: Human Resources

DATE OF HIRE: 2/2010

Years in Current Job: Recently promoted to this title. I served in the same function for 3 years.

Location: I work out of the Broomfield, CO campus of Oracle.

Reports to: Sr. Director of Compensation and Workforce Intelligence, Phil Jenish.

1. Please describe your current role and responsibilities? Also explain your previous positions at Oracle and prior relative experience/education? What locations do you have responsibility over?

Exhibit 9

Exhibit No. 32
Witness name:
S. Holman-Harries
Date: 05/08/19
Robin L. B. Osterode CSR RPR

I came to Oracle through Oracle's Sun Microsystem acquisition. I was an individual contributor for 1 year when I first came over. I went to being a manager and now I am the Compensation Director. I've been in compensation exclusively for 15 years.

In my role, I wear 2 hats: a client-facing hat for product development organization. From a corporate organization standpoint: I manage 2 compensation programs: corporate bonus program and non-sales salary increase program. Merit increases for non-sales folks. I take care of anyone other than those in sales and pre-sales jobs.

2. Who is on your compensation team that might also report to Phil Jenish?

I have 2 folks that report to me.(?) I have a counterpart that handles compensation for sales and consulting. She manages the stock program and sales salary increase program. She has 2 folks that report to her(?) Her name is Kate Waggoner and she reports to Phil just like I do.

3. What role do you have in making compensation decisions at Oracle?

I support HR managers so generally line managers are responsible for most compensation decision but if they have questions, they go to HR managers and the HR managers will come to the compensation team if they have questions. I help the HR managers who support the product development organizations. HR managers come to me, or occassionally line managers will come to me directly.

4. We have reviewed the policy documents submitted. Are personnel and compensation policies and practices uniform throughout all of Oracle's various facilities and locations?

Nothing has changed from the PowerPoint training presentation since 2011. We haven't updated the presentation so it is probably fine.

We have very general high level guidelines. Each organization has a lot of autonomy about how to interpret and implement the guidelines. Current market rates may be more important for one group over another group. There are areas where the general list of factors would be the same. What would differ in the different areas is what is happening with the situation and actual job or what is happening with that organization.

Shauna Holman-Harries: We pay by supervisor because supervisor denotes the business line that the employee works in. It's not that we base compensation on supervisor but the supervisor represents the business line. Business line is related to work unit flow. This is the explanation of how we pay.

Work unit flow - not necessarily the best. supervisor is probably the best way to look at the data. Sort by supervisor. There are small units. If there are indicators based on the supervisor code, then ask questions. supervisor code could be a first level supervisor, Director, or VP. The supervisor code is in the item 11 information. supervisor could be the EVP. It is who that person reports to.

5. Are there any written policies or guidelines that the company uses in making compensation decisions in addition to what has been provided to us which was the Oracle's Compensation Guidelines, Global Compensation Training, and the Compensation Review & Oversight? If so, please provide copies of the policies.

This looks like a complete list of Oracle's compensation guidelines and policies.

6. How long have these policies and guidelines been in place and who is responsible for their implementation?

I'm not aware of any major changes since I have been here.

7. Who is responsible for implementing the compensation guidelines at PLCA?

It wouldn't be just one person at the facility in Pleasanton. For example, Broomfield has 2000 folks. There are numerous organizations at the site. It isn't just one person. There are several HR folks.

In Pleasanton, employees are part of numerous lines of business. Leaders of lines of business are the ones who get the budgets and determine how to cascade those budgets down in the organization. As a direct manager, you would get a cascading instructions or guidelines from the management chain. Different budgets for different lines of business, different guidelines even from a first line manager sitting next to you. Budget is set by lines of business. Budgets start at a high level and gets cascaded

down. Budgets could look different based on their lines of business. Executive level determines budget differences for the various lines of businesses.

Neil Bourque is developing a database dictionary for the compensation database for the column headers and will submit that. Used to have links data through 4-5 different sources but decided not to use that anymore in the submissions to OFCCP.

Neil Bourque: Data is spread across many different reports.

Database Column Headers:

Salary Grades: Most jobs have a salary grade. Grade is determined by market pricing. We review salary survey data and look at what the market is paying. We primarily use the Radford Global Tech survey.

HRIS - we use an old Oracle HRIS system - internal system that has been around for years, not PeopleSoft. We call it HRIS or E-business suites. It's a very old system. Managers would be in charge of managing salary increases. HR folks review transactions. If doing things during programs, it is done through the compensation workbench, a module of HRIS system. Only line managers/HR can see the salary and grade information in HRIS. Grades are assigned to jobs by corporate comp.

Salary Ranges: Look at the job and see what the market price is and we assign a grade. There is a salary range for a grade. We annually review market data and ask, "Do we need to change our entire structure such as having all grades move up a certain percentage or are only certain job titles changing?" We can move the whole structure or just some job titles. Maybe need to change grade ranges for the job title.

For salary surveys, we look at our competitors: HP, IBM, Salesforce, Workday. There is a standard list that we compare ourselves to. They all participate in the Radford survey.

The Radford Survey has generic jobs and we go through a matching process for our jobs and find the best match between our jobs with the survey jobs. The survey gives various data points and we typically use the 50 percentile of the market for each job.

Salary: Stated annual salary that a person has. It is base salary. Neil will provide a column for total compensation.

Neil Bourque: Salary on database is pulled from several different sources. The salary doesn't add up from the columns that were presented on the spreadsheet. Had this same issue come up at a different audit. Neil is looking into it and will provide a total compensation column.

Work Unit Flow: Work Unit Flows are departments to help OFCCP identify different groups. I don't use those in anything I look at.

Shauna Holman-Harries: Acronyms are used to symbolize different departments.

Shauna Holman Harries will provide an acronym legend. But the work unit flow code is as follows: lowest level on the left and highest level on the right. It works from broadest to narrowest department from right to left.

Supervisor code: Symbolize a manager. It is something that corporate compensation used for compliance. We developed the codes to identify an individual supervisor. Supervisor codes are individual identifiers. There is an actual name of someone for each supervisor code. These codes were developed for OFCCP compliance evaluations and are not used by the corporate compensation team.

Direct managers are charged with reviewing their folks and working with HR to determine compensation by knowing their employees' knowing skill sets and their performance. That is the person in charge of making those decisions.

Department Codes: Department codes are specifically designed for Oracle's OFCCP compliance evaluations and are not used by the corporate compensation team. Generally four levels down from the top. If an individual works at a department that is 2 levels down, then it will go 2 levels down. For the department codes, Oracle goes down 4 levels and organizes it at the 4th level for the AAP.

Work unit flow - it goes down 4 levels. There are up to 7 levels represented in the workflow. 4 levels down is what IT could pull up.

Physical Location: No specific manager oversees all of Pleasanton, CA.

Shauna Holman-Harries: Physical location is Pleasanton, CA. All employees in this AAP work at the Pleasanton facility. No employees in the AAP are from a facility outside of Pleasanton. Everything is by physical location. All reports into that location- there is a field office affirmative action plan. We are all scattered throughout the world. A lot of employees work remotely. Head of HR is in Irvine. Where there are more than 40 employees for a facility, we have an AAP.

Eligibility for various types of pay from the spreadsheet depends on what the element is. Beeper pay depends on job and department- pager weekday and pager weekend. Not everyone is eligible.

Depends on what the element is and what the job is. Certain job titles are eligible. Very restricted to business need.

You can tell who the employees eligible for overtime are as their grades start with "N." "N" Used to stand for non-exempt. We refer internally to these grades as OT eligible.

Was the Pleasanton location acquired or was it always Oracle?

Pleasanton used to be PeopleSoft. Taleo, the company that did applicant tracking was across the street. Oracle purchased that and then merged the two.

8. How is starting salary determined?

Several factors come into play and varies based on position. Look at experience, what the job is. The skillset might be special. Look at the market price for that particular skill set. Depending on the job, weight of one factor over another may change in deciding starting salary. The direct hiring manager is the main person that is involved in determining new salary for new hires. May pull in an HR manager as well.

Are they going off of salary range?

Once they look at candidate and what career level makes sense, then we look at the salary range applicable for that. There is some flexibility. We post jobs for the level that we think the job requirements are. However, our system allows for the position to be filled one level up or one level down from the career level posted.

Can it be more than one level up or one level down?

My understanding is that you have to start from scratch (meaning new posting/recruitment) if wanted to go more than one level up or down.

Any other approvers?

Final approver would be up through the management chain, and finally the approver at the CEO office for a new hire. Every new hire salary request goes through the one approver at the CEO office, in total there are three folks who work in the group.. The salary offer goes through the hierarchy; numerous managers may see the transaction and are asked to weigh in. For new hire, it goes all the way to CEO's office for approval.

9. Is there a form that is used to determine starting base pay for a new hire or a promotion?

We have an automated system. It is an old ORACLE system. Not the same as the system mentioned before but also an Oracle system. They are asked to provide a justification for the starting salary. Part of that workflow allows for attachments. I see different things in different groups. It depends based on the group, some groups always put together a written justification with attachments on skills and experience; other groups may just have a small justification that is written on the system. There is no formal looking form. Usually it's just somebody in a word document justifying that they are proposing. This system manages employee transactions. As big as we are, something not automated would be pretty cumbersome.

10. Your training talks about "total reward." Can you please describe in more detail about the various components of "total reward"?

Total rewards include base pay. It may include variable pay based on your job. Sales and consulting jobs have sales incentives such as commissions and consulting bonuses. Some may be eligible for the corporate bonus, overtime, stock program, and other benefits such as medical health plans. The stock program is included in the total rewards and benefit programs.

Is it typical for new hires to get offered stock as starting compensation?

It is not typical for all new hires to get stock. We are pretty conservative for who we offer stock to. New college programs sometimes offer stock. At the VP level, stock options or stock are more typically offered.

For an IC2 software developer, it is not typical to offer stock as part of the package.

What is typical for bonuses/variable pay?

Depending on what job you're in and what variable plan you are eligible for. Sales folks will have what is typical for a sales incentive plan. Consulting has their own plan. Most everyone else is under corporate bonus, if you meet the eligibility requirements.

What are the eligibility requirements for the corporate bonus?

They are quite detailed, the requirements. I like to tell people, you can tell the complexity of the eligibility criteria based on the number of pages in the eligibility documents. Eligibility depends on the type of job you have. All jobs have a comp type and function. The function is an easy way for us to determine what type of variable plan you maybe eligible for.

Software developers/HR folks are eligible for corporate bonus. To be eligible, the employee needs to be a regular employee, certain country requirements, needs to have been with company for minimum of 60 days. There are two corporate bonus eligibility documents – one is a systems document and then another one is one that we post for managers. It would be better to send the Manager eligibility

document; it is easier to understand than the system one. Only document that I have a full one is a corporate bonus. For sales and consulting, I need to go to GIC group to request that. (Oracle to provide upon request.)

11. What are the factors used in determining starting base pay?

a. What role does negotiation have in the new hire base pay?

As you might expect, every situation is different - case by case basis. I don't know how often or the level at which negotiation happens.

Ever go above salary range?

There can be some examples of going over the range, not a strict policy that cannot go outside of our range. This happens in acquisitions. We do have people that come in through acquisitions that are out of our range, either below or above. Once in a while, someone could be brought in above the range. We look for special skills or for new people, we try to match what they made at the previous company.

b. Prior Salary?

Yes, this is a factor.

c. Time in position?

That is a factor but not as important as performance or results. As you go up in career, time in position becomes less important. TIP becomes less and less important as you stay longer. Someone coming in right out of college at IC1 is at a steep learning curve, may become an IC2 more quickly but an IC4 or IC5 takes longer to move up.

Shauna – Time in position is not as important as experience. If someone could bring in more experience, then we can pay more. TIP only important as it relates to experience. May be someone highly skilled person from another company and in greater need and is then paid at a higher amount. Bulk of compensation is driven by performance.

d. Education?

Education is one of the factors. It is somewhat important. Yes, and more important at the entry level positions. Looking to see what kind of degree you have but less important as you maintain longer in company.

Shauna – in Pleasanton, many of the college hires may have masters. When looking for engineering and computer science, schools attended are really important. There are different programs at different schools. Specific teachers and instructional staff are proven to be better. We look at what products they were working on while in school.

The difference between applicants with a Bachelors degree versus a Masters degree may mean higher pay for the applicant with the Master's degree.

e. Shift Differential?

Yes, there are several different shifts. I don't have the numbers off the top of my head. Not available to all jobs, depends on working hours, depending on the shift that you're working, higher percentage for least desirable shift. The database shows 5-10-20 shift differentials and this refers to the percentage of salary increase for that shift.

f. Job Function?

We use a field called function. Used for a lot of reporting type things. Also helps determine eligibility for variable plans. Software development is under the function of the product development compensation jobs are under the HR function.

g. Job Family?

Job Family is Similar to function. I think of family as the different levels of software developer. That is what I would consider a job family. Where in function, it would have applications and other job titles in product development 'function'.

h. Specialty?

Shauna – That is an older field that we don't really use.

Lisa - I look at a job code table. HR is a function, comp/benefits is a specialty. Some of them are old fields. May or may not help. For software developer, that is a specialty under product development function. There is a specialty but then nothing else to distinguish developers from each other.

Shauna – supervisor code is really the best way to analyze because there are numerous products. Once looking at the supervisor code, you can see the product line. Supervisor may have a larger group overall but may only have a couple at the particular location. Supervisor may have 15-20 people reporting to a supervisor worldwide but only a couple at the location. Employees are typically included in the AAP where they are physically located at. They are considered an applicant and hire at the physical location that they work at but the decision maker might be somewhere else.

At Oracle, all employees are in the AAP of the physical location but the manager is somewhere else. For those that are virtual workers, there is what's called a Field office plan.

For personnel activity, the hire is attached to the plan they are hired into. A job opening may say 'US job' and isn't attached to a location. For example, I hired Lida recently. It was posted as a US job, could be anywhere. I recruited mostly in Arizona, California and Texas because I figured it would be easier for training purposes to have her located at HQ, offices in Texas or near me in Arizona.

After being hired and during recruitment, new hire might go work in a physical office or work from home and are added to the appropriate AAP.

i. Pay Surveys?

Use salary surveys to establish salary ranges. We look at salary ranges once a year and decide whether they need to be adjusted. Managers have the ranges, but don't see the survey data.

Guidelines for managers about using the salary ranges?

Managers are given a lot of discretion - depending on the job they are hiring for, unique skill or lots of experience, may be higher in the range. If managers have questions, they can go to HR manager for guidance. There are 2 sets of salary ranges for the US: HQ, are Zip codes around bay area and non-HQ, is everyone else.

HQ is 10% higher. Pleasanton is part of HQ range. This is based on market data for salaries in those areas.

And in Acquisitions, you described before that sometimes acquisitions lead to employees being outside of the range?

Yes, they may come in below or outside the range. Every acquisition has its own challenge. Look at job at old company; hopefully have a comp/salary infrastructure. Do some mapping to try and determine what we think each job is in our world. HR and managers work together to find the right job and to determine the right level. Typically, salaries are not adjusted during an acquisition and that would mean you could fall outside of our range, above or below it.

j. Department;

I don't usually use department by itself when considering compensation. I would use hierarchy, similar to Shauna's point on supervisor. I would look at function or supervisor. Department is not something that I would hone in on.

Shauna – department in the database represents four levels down from the top of the organization.

Lisa-Supervisor would be part of a department. They could be around 5-6 levels down in an organization or lower and depending on location, this is all below the broader department. Many people in same department could be reporting to different supervisors and working on different projects.

k. Business Unit/Line of Business;

Could be numerous ones- Product Development, Sales, Consulting, Finance could say sales is a line of business but these are really broad groupings. Product development is another. These are very broad lines of business.

Supervisor is direct manager to employee. The various supervisors situated in Pleasanton could represent all of our different lines of business.

The way we are organized is not by location. When I started years ago, at Broomfield, but this was under Sun, not Oracle, that was supposed to be a Service HQ location. Those days are gone and there are people from all different lines of business, there is no hierarchical commonality to the folks that are

there. A supervisor is in one line of business, mine is HR. A supervisor right down the hall from me reports up in product development.

l. Organizational Unit;

Shauna-We don't really have an organizational chart. Supervisor code is really the way to look at it. If you look at everything for supervisor code - we don't pay according to job group or job title because it is broad and different products require different skills. Different people working at same job titles, have/with different skills.

How many Products does Oracle have?

Numerous, - can't even say how many. You may see in the news but as a business we buy companies and often acquire other companies.

m. Stock programs? Is this an ESOP?

ESOP program is different than what I was describing before. ESOP is an opportunity for any employee to have money withdrawn to buy stock.

For the stock program, each leader is given an annual budget of stock and they cascade this to their managers. Similar to a bonus but its stock.

Annual budgets are given to leaders at a very high levels (i.e. Safra Catz, Mark Hurd, Edward Screven) EVP's and Presidents are the 'leaders'. This is where the budgets are going to go. Regularly changing who is in the leadership and the titles but its EVPs and Presidents. This is a lot simpler eligibility than the corporate bonus. This is typically country related. Some at very lowest levels may not be eligible. (OFCCP will be requesting this stock eligibility one-pager)

12. Who is eligible or ineligible for bonus programs? Which bonus programs?

Instructor bonus is one

Spot bonus – everyone is eligible but this is loosely applied. (?) *is this a true statement not sure*

Signing bonuses – are offered. It depends on the job and the situation. The frequency of signing bonuses changed based on market need. Over career, signing bonuses have fluctuated. Recently, likely increasing the amount of signing bonuses. Sr. Directors for software development may be offered a sign on bonus. Signing bonus might be used to cover something that they may be walking away from at their current company.

Any other types of compensation paid?

There is also an incentive plan for sales/comp or consulting.

13. Do you have an employee handbook? If so, please provide a copy of the handbook.

Yes

14. Do you have written hiring policies? If so, please provide copies of the hiring policies.

I have limited day to day involvement of process for hiring and you should talk to recruiting.

15. Do you have written position descriptions? If so, please provide copies of all position descriptions at the headquarters and the Pleasanton, CA facility.

Yes we have generic job descriptions. They do differ between career levels.

16. Does Oracle conduct self-audits of its compensation? If so, please provide written reports regarding the self-audits.

Shauna: Compliance does under attorney-client privilege.

17. Does Oracle conduct pay equity studies? If so, please provide copies of the pay equity studies.

Shauna – compliance does equity studies. During the Focal review all positions are looked at when determining salary adjustments.

Lisa- we don't do equity studies regularly but may do ad hoc analyses. Focal review is done periodically, when we get a budget to give merit increases. Want to do it annually, but it depends on market conditions. When we do get a budget, there is lots of review of lots of employees by managers and HR.

18. Prioritize the factors given for base pay.

All are important, depends on job too. We've talked about skills, education, experience, and market rates. Depends on the situation; which would have a higher weighing for that job and selection. Current or previous salary is a big factor too. Long laundry list of what we look at and it depends on the situation.

19. Are merit increases tied to performance ratings?

Some companies have defined structure and strict guidelines based on rating number and % increase. Oracle does not have that type of structure. Not all groups are required to have performance rating. There is no formal structure. Supervisor does not have to conduct performance reviews or give a rating number. May have salary increases without performance review on the books. Or sometimes a rating using a 1-5 type scale may be used.

We did not have a coproate wide merit budget in 2013. There is no formal performance review. Depending on the organization, employees might not have a performance review but just a rating.

Focal review – budget is given to managers in the tool and the budget is cascaded down and then approved back up the hierarchy.

Oracle is divided into two merit review programs: Sales and non-sales. Both programs are global.

Focal review is not annual and not at the same time. It varies. It's been in July and September or this last one in 2014 was in November.

The ones before that were in 2012, 2011 and 2010. Prior to 2010, due to the recession, it had been several years since a focal review was conducted and merit increases were given.

Outside of the focal review, what types of merit increases can be given?

Off-cycle reviews are the only other increase.

Base salary increase would only happen at focal or off-cycle increase.

Eligibility criteria for merit increases -Have to be here for 60 days. Then there are: the Sales program vs. non-sales program. A few countries are not eligible too.

OT eligible employees are not eligible for corporate bonus but eligible for a focal increase.

20. Is there a formula for determining merit increases?

No real formula for determining merit increases. It is based on how much budget did we get and what is best for our organization on how to spend it. There is not a corporate merit matrix because every group may have a different budget. Always based on budget and each manager can make the decisions based on the budget. No corporate merit matrix saying what a manager needs to do. Budgets aren't big so it's hard to go crazy with it. To manage this, we use the same tool that we use for bonuses.

Each manager will make recommendations in the tool, looks like spreadsheet and tells you if you are within budget and then it rolls up the approval hierarchy. Same approvers for bonus and merit increase as would be for starting salary, goes up management chain within that line of business.

Shauna – supervisors do not have to do formal performance reviews. Varies.

21. What documentation is used for these merit increases?

Same tool as for bonus that you as a manager – show whoever is eligible. Make recommendation. Show if you overspent or within budget and submit.

22. Do employees have to apply to be promoted?

No. We don't post every promotion. If it is a new job, we will post those.

Shauna – some are posted as a competitive promotion others are promoted based on job evolving and increased responsibilities, called in-job or non-competitive promotions at some of the different facilities.

What are examples of when someone would be promoted without a salary increase?

We look at the circumstances of a promotion, andwhat the current salary is. Someone that changes from a sales job ..iff they are moving into a job that doesn't have those elements, we may or may not adjust pay. Case by case on where you're coming from and where are you going. There isn't a set formula. There are a lot of these and we spend a lot of time on these.

Example, software developer manager - maybe came in through a different job or through an acquisition and is high salary in the range. Then promoted to a sr. manager but the employee's salary is still appropriate in sr. manager range. In that circumstance the employee may not get an increase.

But if they do a good job, they are then eligible for higher bonuses and higher salary increases because of the new salary range. They also have the new title and opportunities which are important.

Is Annual target variable only for sales?

ATV is only for sales and consulting.

23. With pay differences between individuals, how do you determine the difference in pay based on experience, knowledge, skills, and performance? Is there a numerical value you place on these elements?

No formula, depends on the job. Years of experience can be important. But if we are looking for a very particular skill, we might be honing in on an element of someone's resume. Specific need in an organization and go out looking for a specific skill. High tech moves so quickly, may have someone with 5 years of experience but not the right skill.

24. For H1B employees, are there internal equity considerations used in determining compensation?

I don't know if we have them at Pleasanton.

H1B folks, depending on the job, determines what they are eligible for. Based on the job these employees are eligible for all the same bonuses and have same salary ranges.

I don't even think that there is a flag for these folks in the system. For starting salaries, they are given same salary ranges and placed in a job based on experience and other factors.

25. How is salary determined when someone is promoted? What factors are considered?

Depends on what the job is. What they are being promoted to. No defined formula. Everyone is going to be looked at differently.

26. Is there anything else that we need to know to understand your compensation system?

I can't think of it. I'm sure you'll have more questions.

Training

27. Have you received training on Oracle's AAP and EEO policies?

Yes, I know I've taken some courses- numerous EEO trainings online.

Shauna-AA training and separate EEO training-online training. Periodically, need to take a refresher.

Lida – As a new hire I have taken several recently. There are some for new hires that have to be done within 30 days and some are repeated annually/every two years.

28. Is EEO/Diversity an evaluation factor for officers?

Shauna - We pay bonuses to recruiters for diversity hires. We have goals by location and recruiters get paid bonuses for diversity hires for those goals, which now include VETS/Disabled.

29. Has the company ever adjusted any employee's compensation based on its compensation analysis for its AAP?

I'm not aware of any specific action.

Shauna – more of a focal. When broken down by supervisor codes, it is tightly buttoned up. When you really take a look at it, look at supervisors and products it's just a different way to do business to stay competitive.

How many employees are covered under your comp plans as Director?

Cover non-sales. Roughtly half of the Company - Product development and F & A– 60,000 employees. About 48,000 in US. About 60,000 out of 130,000Oracle employees.

Most recent hire date- last time they came on to Oracle's payroll.

Original Hire Date:

Dates of Hire- Oracle Hire Date, Original Hire Date

Length of time in position- at Oracle

For acquisitions, I have a continuous service date, keep vacation but if I left the vacation would be gone.

If they leave, they come back, then they don't get to keep the benefits. If they leave and come back for a higher salary, we are very careful. What were they being paid and what they got when they left.

Are there many transfers?

Depends on the group, with product development it is much less. I probably, at least once a week, speak to HR manager about transfer and looking for an opinion. In sales side, there is lots of movement. They just keep the same wage, same title and just decide they want to move to a new location. It depends on the situation- even from HQ to non-HQ location.

Ranges are tied to physical location.

I would be put into an HQ range if I moved but my boss would not automatically give a salary increase or decrease.

The above is true to the best of my knowledge and recollection.

Lisa Gordon

Lisa Gordon, Director Compensation

2/11/15

Date

Compliance Officer

Date

EXHIBIT 13

EXHIBIT 13

ORACLE (PLEASANTON, CA) COMPENSATION QUESTIONS

DATE: 1/9/15, 9:00 a.m. Hawaii Time, continued on 1/13/15, 9 a.m. Hawaii Time

Oracle Participants:

Lisa Gordon, Director Compensation

Neil Bourque, Sr. Compliance Analyst

Lida Daniel, Sr. Compliance Analyst

Shauna Holman-Harries, Director Diversity Compliance

OFCCP Participants:

Brian Mikel, Area Office Director

Jennifer Yeh, Compliance Officer

NAME OF PRIMARY INTERVIEWEE: ____Lisa Gordon——(has been on a lot of calls with OFCCP and is the go-to person)

GENDER/RACE: Female/-Caucasian

JOB TITLE: _Compensation Director

DEPARTMENT: _Human Resources

DATE OF HIRE: _2/2010

Years in Current Job: Recently promoted to ~~that~~ this title. I served in the same function for 3 years.

Location: I work out of the Broomfield, CO campus of Oracle.

Reports to: Sr. Director of Compensation and Workforce Intelligence, Phil Jenish.

1. Please describe your current role and responsibilities? Also explain your previous positions at Oracle and prior relative experience/education? _What locations do you have responsibility over?

Exhibit No. 33
Witness name:
S. Holman-Harries
Date: 05/08/19
Robin L. B. Osterode CSR RPR

I came to Oracle through Oracle's Sun Microsystem acquisition. I was an individual contributor for 1 year when I first came over. I went to being a manager and now I am the Compensation Director. I've been in compensation exclusively for 15 years.

In my role, I wear 2 hats: a client-facing hat ~~and~~ for product development organization. From a corporate organization standpoint: I manage 2 compensation programs: corporate bonus program and non-sales salary increase program. Merit increases for non-sales folks. I take care of anyone other than those in sales and pre-sales jobs.

2. Who is on your compensation team that might also report to Phil Jenish?

I have 2 folks that report to me.(?) I have a counterpart that handles compensation for sales and consulting. She manages the stock program and sales salary increase program. She has 2 folks that report to her.~~-~~(?) Her name is Kate Waggoner and she reports to Phil just like I do.

3. What role do you have in making compensation decisions at Oracle?

I support HR managers so generally ~~when there are decisions being made, we have our~~ line managers are responsible for most compensation decision ~~and they have their primary responsibilities~~ but if they have questions, they go to HR managers and the HR managers will come to the compensation team if they have questions. I help the HR managers who support the product development organizations. HR managers come to me, or occassionally~~maybe sometimes~~ line managers will come to me directly.

4. We have reviewed the policy documents submitted. Are personnel and compensation policies and practices uniform throughout all of Oracle's various facilities and locations?

Nothing has changed from the PowerPoint training presentation since 2011. We haven't updated the presentation so it is probably fine.

We have very general high level guidelines. Each organization has a lot of autonomy about how to interpret and implement the guidelines. Current market rates may be more important for one group

over another group. There are areas where the general list of factors would be the same. What would differ in the different areas is what is happening with the situation and actual job or what is happening with that organization.

Shauna Holman-Harries: We pay by supervisor because supervisor denotes the business line that the employee works in. It's not that we base compensation on supervisor but the supervisor represents the business line. Business line is related to work unit flow. This is the explanation of how we pay.

Work unit flow - not necessarily the best. Ssupervisor is probably the best way to look at the data. Sort by Ssupervisor. There are small units. If there are indicators based on the Ssupervisor code, then ask questions. Ssupervisor code could be a first level supervisor, Director, or VP. The Ssupervisor code is in the item 11 information. Ssupervisor could be the EVP. It is who that person reports to.

5. Are there any written policies or guidelines that the company uses in making compensation decisions in addition to what has been provided to us which was the Oracle's Compensation Guidelines, Global Compensation Training, and the Compensation Review & Oversight? If so, please provide copies of the policies.

This looks like a complete list of Oracle's compensation guidelines and policies.

6. How long have these policies and guidelines been in place and who is responsible for their implementation?

I'm not aware of any major changes since I have been here.

7. Who is responsible for implementing the compensation guidelines at PLCA?

It wouldn't be just one person at the facility in Pleasanton. For example, Broomfield has 2000 folks. There are numerous organizations at the site. It isn't just one person. There are several HR folks.

In Pleasanton, employees are part of numerous lines of business. Leaders of lines of business are the ones who get the budgets and determine how to cascade those budgets down in the organization. As a

direct manager, you would get a cascading instructions or guidelines from the management chain. Different budgets for different lines of business, different guidelines even from a first line manager sitting next to you. Budget is set by lines of business. Budgets start at a high level and gets cascaded down. Budgets could look different based on their lines of business. Executive level determines budget differences for the various lines of businesses.

Neil Bourque is developing a database dictionary for the compensation database for the column headers and will submit that. Used to have links data through 4-5 different sources but decided not to use that anymore in the submissions to OFCCP.

Neil Bourque: Data is spread across many different reports.

Database Column Headers:

Salary Grades: Most jobs have a salary grade. Grade is determined by market pricing. We review salary survey data and look at what the market is paying. We primarily use the Radford Global Tech survey.

HRIS - we use an old Oracle HRIS system - internal system that has been around for years, not PeopleSoft. We call it HRIS or E-business suites. It's a very old system. Managers would be in charge of managing salary increases-. HR folks review transactions. If doing things during programs, it is done through the compensation work-bench, a module of HRIS system. Only line managers/HR can see the salary and grade information in HRIS. Grades are assigned to jobs by ~~setting is controlled at the~~ corporate comp~~level~~. ~~Any adjustments to grades or jobs are done through corporate compensation.~~

Salary Ranges: Look at the job and see what the market price is and we assign a grade. There is a salary range for a grade. We annually review market data and ask, "Do we need to change our entire structure such as having all grades move up a certain percentage or are only certain job titles changing?" We can move the whole structure or just some job titles. Maybe need to change grade ranges for the job title.

For salary surveys, we look at our competitors: HP, IBM, Salesforce, ~~w~~Workday. There is a standard list that we compare ourselves to. They all participate in the Radford survey.

The Radford Survey has generic jobs and we go through a matching process for our jobs and find the best match between our jobs with the survey jobs. The survey gives various data points and we typically ~~try to match~~ use the 50 percentile~~%~~ of the market for each ~~by~~ job.

Salary: Stated annual salary that a person has. It is base salary. Neil will provide a column for total compensation.

Neil Bourque: Salary on database is pulled from several different sources. The salary doesn't add up from the columns that were presented on the spreadsheet. Had this same issue come up at a different audit. Neil is looking into it and will provide a total compensation column.

Work Unit Flow: Work Unit Flows are departments to help OFCCP identify different groups. I don't use those in anything I look at.

Shauna Holman-Harries: Acronyms are used to symbolize different departments.

Shauna Holman Harries will provide an Aacronym legend. But the work unit flow code is as follows: lowest level on the left and highest level on the right. It works from broadest to narrowest department from right to left.

Supervisor code: Symbolize a manager. It is something that corporate compensation used for compliance. We developed the codes to identify an individual supervisor. Supervisor codes are individual identifiers. There is an actual name of someone for each supervisor code. These codes were developed for OFCCP compliance evaluations and are not used by the corporate compensation team.

Direct managers are charged with reviewing their folks and working with HR to determine compensation by knowing their employees' knowing skill sets and their performance. That is the person in charge of making those decisions.

Department Codes: Department codes are specifically designed for Oracle's OFCCP compliance evaluations and are not used by the corporate compensation team. Generally four levels down from the top. If an individual works at a department that is 2 levels down, then it will go 2 levels down. For the department codes, Oracle goes down 4 levels and organizes it at the 4th level for the AAP.

Work unit flow- it goes down 4 levels. There are up to 7 levels represented in the workflow. 4 levels down is what IT could pull up.

Physical Location: No specific manager oversees all of Pleasanton, CA.

Shauna Holman-Harries: Physical location is Pleasanton, CA. All employees in this AAP work at the Pleasanton facility. No employees in the AAP are from a facility outside of Pleasanton. Everything is by physical location. All reports into that location- there is a field office affirmative action plan. We are all scattered throughout the world. A lot of employees work remotely. Head of HR is in Irvine. Where there are more than 40 employees for a facility, we have an AAP.

Eligibility for various types of pay from the spreadsheet depends on what the element is. Beeper pay depends on job and department- pager weekday and pager weekend. Not everyone is eligible.

Depends on what the element is and what the job is. Certain job titles are eligible. Very restricted to business need.

You can tell who the employees eligible for overtime are as their grades start with "N." "N" Used to stand for non-exempt. We refer internally to these grades as OT ellgible. ~~That is changing where we don't want it to mean exempt and non-exempt.~~

Was the Pleasanton location acquired or was it always Oracle?

Pleasanton used to be PeopleSoft. Taleo, the company that did applicant tracking was across the street. Oracle purchased that and then merged the two.

8. How is starting salary determined?

Several factors come into play and varies based on position. Look at experience, what the job is. The skillset might be special. Look at the market price for that particular skill set. Depending on the job, weight of one factor over another may change in deciding starting salary. The direct hiring manager is the main person that is involved in determining new salary for new hires. May pull in an HR manager as well.

Are they going off of salary range?

Once they look at candidate and what career level makes sense, then we look at the salary range applicable for that. There is some flexibility. We post jobs for the level that we think the job requirements are. However, our system allows for the position to be filled one level up or one level down from the career level posted.

Can it be more than one level up or one level down?

My understanding is that you have to start from scratch (meaning new posting/recruitment) if wanted to go more than one level up or down.

Any other approvers?

Final approver would be up through the management chain, and finally the approver at the CEO office for a new hire. Every new hire salary request goes through the one approver at the CEO office, in total there are three folks who work in the group. ~~handle that duty~~. The salary offer goes through the

~~hierarchy,~~hierarchy; numerous managers may see the transaction and are asked to weigh in. For new hire, it goes all the way to CEO's office for approval.

9. Is there a form that is used to determine starting base pay for a new hire or a promotion?

We have an automated system. It is ~~the~~ an old ORACLE system. Not the same as the system mentioned before but also an Oracle system. They are asked to provide a justification for the starting salary. Part of that workflow allows for attachments. I see different things in different groups. It depends based on the group, some groups always put together a written justification with attachments on skills and experience; ~~.~~ Other groups may just have a small justification that is written on the system. There is no formal looking form. Usually it's just somebody in a word document justifying that they are proposing. This system manages employee transactions. As big as we are, something not automated would be pretty cumbersome.

10. Your training talks about "total reward." Can you please describe in more detail about the various components of "total reward"?

Total rewards include base pay. It may include variable pay based on your job. Sales and consulting jobs have sales incentives such as commissions and consulting bonuses. Some may be eligible for the corporate bonus, overtime, stock program, and other benefits such as medical health plans. The stock program is included in the total rewards and benefit programs.

Is it typical for new hires to get offered stock as starting compensation?

It is not typical for all new hires to get stock. We are pretty conservative for who we offer stock to. New college programs sometimes offer stock. At the VP level, stock options or stock are more typically offered.

For an IC2 software developer, it is not typical to offer stock as part of the package.

What is typical for bonuses/variable pay?

Depending on what job you're in and what variable plan you are eligible for. Sales folks will have what is typical for a sales incentive plan. Consulting has~~ve~~ their own plan. Most everyone else is under Corporate bonus, if you meet the eligibility requirements.

What are the eligibility requirements for the Corporate bonus?

They are quite detailed, the requirements. I like to tell people, you can tell the complexity of the eligibility criteria based on the number of ~~there are numerous~~ pages in the eligibility documents. Eligibility depends on the type of job you have. ~~There is a certain level for a certain function.~~ All jobs have a comp type and ~~,~~ function. The function is an easy way for us to determine what type of variable plan you may~~would~~ be eligible for.

Software developers/HR folks are eligible for corporate bonus. To be ~~eligble~~eligible, the employee needs to be a regular employee, certain country requirements, needs to have been with company for minimum of 60 days. There are two corporate bonus eligibility documents – one is a systems document and then another one is one that we post for managers. It would be better to send the Manager eligibility ~~document,~~document; it is easier to understand than the system one. Only document that I have a full one is a corporate bonus. For sales and consulting, I need to go to GIC group to request that. (Oracle to provide upon request.)

11. What are the factors used in determining starting base pay?

a. What role does negotiation have in the new hire base pay?

As you might expect, every situation is different ~~- c~~ case by case basis. I don't know how often or the level at which negotiation happens.

Ever go above salary range?

There can be some examples of going over the range, not a strict policy that cannot go outside of our range. This happens in acquisitions. We do have people that come in through acquisitions that are out of our range, either below or above. Once in a while, someone could be brought in above the range. We look for special skills or for new people, we try to match what they made at the previous company.

b. Prior Salary?

Yes, this is a factor.

c. Time in position?

That is a factor but not as important as performance or results. As you go up in career, time in position becomes less important. TIP becomes less and less important as you stay longer. Someone coming in right out of college at IC1 is at a steep learning curve, may become an IC2 more quickly but an IC4 or IC5 takes longer to move up.

Shauna – Time in position is not as important as experience. If someone could bring in more experience, then we can pay more. TIP only important as it relates to experience. May be someone highly skilled person from another company and in greater need and is then paid at a higher amount. Bulk of compensation is driven by performance.

d. Education?

Education is one of the factors. It is somewhat important. Yes, and more important at the entry level positions. Looking to see what kind of degree you have but less important as you maintain longer in company.

Shauna – in Pleasanton, many of the college hires may have masters. When looking for engineering and computer science, ~~s~~ Schools attended are really important. There are different programs at different schools. Specific teachers and instructional staff ~~is~~ are proven to be better. We look at what products they were working on while in school.

The difference between ~~an applicant~~ applicants with a Bachelors degree versus a Masters degree may mean higher pay for the applicant with the Master's degree.

e. Shift Differential?

Yes, there are several different shifts. I don't have the numbers off the top of my head. Not available to all jobs, ~~d~~ Depends on working hours, ~~d~~ Depending on the shift that you're working, ~~h~~ Higher percentage for least desirable shift. The database shows 5-10-20 shift differentials and this refers to the percentage of salary increase for that shift.

f. Job Function?

We used a field called function. Used for a lot of reporting type things. Also helps determine eligibility for variable plans. Software development is under the ~~a~~ function of the product development compensation jobs are under the ~~plan under~~ HR functions.

g. Job Family?

Job Family is Similar to function. I think of family as the different levels of software developer. That is what I would consider a Job family. Where in function, it would have applications and other job titles in product development 'function'.

h. Specialty?

Shauna – That is an older field that we don't really use ~~really~~.

Lisa - I'~~m~~ look at a job code table. HR is a function, comp/benefits is a specialty. Some of them are old fields. May or may not help. For software developer, that is a specialty under product development function. There is a specialty but then nothing else to distinguish developers from each other.

Shauna – supervisor code is really the best way to analyze because there are numerous products. Once looking at the supervisor code, you can see the product line. Supervisor may have a larger group overall but may only have a couple at the particular location. Supervisor may have 15-20 people reporting to a supervisor worldwide but only a couple at the location. Employees are typically included in the AAP where they are physically located at. They are considered an applicant and hire at the physical location that they work at but the decision maker might be somewhere else.

At Oracle, all employees are in the AAP of the physical location but the manager is somewhere else. For those that are virtual workers, there is what's called a Field office plan.

For personnel activity, the hire is attached to the plan they are hired into. A job opening may say 'US job' and isn't attached to a location. For example, I hired Lida recently. It was posted as a US job, could be anywhere. I recruited mostly in Arizona, California and Texas because I figured it would be easier for training purposes to have her located at HQ, offices in Texas or near me in Arizona.

After being hired and during recruitment, new hire might go work in a physical office or work from home and are added to the appropriate AAP.

i. Pay Surveys?

Use salary surveys to establish salary ranges. We look at salary ranges once a year and decide whether they need to be adjusted. Managers have the ranges, but don't see the survey data.

Guidelines for managers about using the salary ranges?

Managers are given a lot of discretion - d-Depending on the job they are you're hiring for, unique skill or lots of experience, may be higher in the range. If managers have questions, they can go to HR manager for guidance. There are 2 sets of salary ranges for the US: HQ, which are Zip codes around bay area and non HQ Non HQ, who is everyone else.

HQ is 10% higher. Pleasanton is part of HQ range. This is based on market data for salaries in those areas.

And in Acquisitions, you described before that sometimes acquisitions lead to employees being outside of the range?

Yes, they may come in below or outside the range. Every acquisition has its own challenge. Look at job at old company;company; hopefully have a comp/salary infrastructure. Do some mapping to try and determine what we think each job is in our world. HR and managers work together to find the right job and to determine the right level. Typically, salaries are not adjusted during an acquisition and that would mean you could fall outside of our range, above or below it.

j. Department;

I don't usually use department by itself when considering compensation. I would use hierarchy, similar to Shauna's point on supervisor. I would look at function or supervisor. Department is not something that I would hone in on.

Shauna – department in the database represents four levels down from the top of the organization.

Lisa-Supervisor would be part of a department. They could be around 5-6 levels down in an organization or lower and depending on location, this is all below the broader department. Many people in same department could be reporting to different supervisors and working on different projects.

k. Business Unit/Line of Business;

Could be numerous ones- Product Development, Sales, Consulting, Finance Could say sales is a line of business but these are really broad groupings. Product development is another. These are very broad lines of business.

Supervisor is direct manager to employee. The various supervisors situated in Pleasanton could represent all of our different lines of business. ~~A supervisor could be over more many lines of businesses.~~

The way we are organized is not by location. When I started years ago, at Broomfield, but this was under Sun, not Oracle, that was supposed to be a Service HQ location. Those days are gone and there are people from all different lines of business, there is no hierarchical commonality to the folks that are there. A supervisor is in one line of business, mine is HR. A supervisor right down the hall from me reports up in product development.

l. Organizational Unit;

Shauna-We don't really have an organizational chart. Supervisor code is really the way to look at it. If you look at everything for supervisor code - w~~. We~~ don't pay according to job group or job title because it is broad and different products require different skills. Different people working at same job titles, have/with different skills.

How many Products does Oracle have?

Numerous, ~~. Ccan't even say how many. You may see in the news but as a business we buy companies and often acquire other companies.

m. Stock programs? Is this an ESOP?~~;~~

ESOP program is different than what I was describing before. ESOP is an opportunity for any employee to have money withdrawn to buy stock.

For the stock program, each leader is given an annual budget of stock and they cascade this to their managers. Similar to a bonus but its~~'s~~ stock.

Annual budgets are given to leaders at a very high levels (i.e. Safra Catz, Mark Hurd, Edward Screven) EVP's and Presidents are the 'leaders'. This is where the budgets are going to go. Regularly changing

who is in the leadership and the titles but it's its EVPs and Presidents. This is a lot simpler eligibility than the corporate bonus. This is typically country related. Some at very lowest levels may not be eligible. (OFCCP will be requesting this stock eligibility one-pager)

12. Who is ~~Eligible~~ eligible or Ineligible for bonus programs? Which bonus programs?

Instructor bonus is one

Spot bonus – everyone is eligible but this is loosely applied. *(?) is this a true statement not sure*

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Signing bonuses – are offered. It depends on the job and the situation. The frequency of signing bonuses changed based on market need. Over career, signing bonuses have fluctuated. Recently, likely increasing the amount of signing bonuses. Sr. Directors for software development may be offered a sign on bonus. Signing bonus mMight be used a ~~signing bonus~~ to cover something that they may be walking away from at their current company.

Any other types of compensation paid?

There is also an incentive plan for sales/comp or consulting.

13. Do you have an employee handbook? If so, please provide a copy of the handbook.

Yes

14. Do you have written hiring policies? If so, please provide copies of the hiring policies.

I have limited day to day involvement of process for hiring and you should talk to recruiting.

15. Do you have written position descriptions? If so, please provide copies of all position descriptions at the headquarters and the Pleasanton, CA facility.

Yes we have generic job descriptions. They do differ between career levels.

16. Does Oracle conduct self-audits of its compensation? If so, please provide written reports regarding the self-audits. ~~written reports regarding the self-audits.~~

Shauna: Compliance does under attorney-client privilege.

17. Does Oracle conduct pay equity studies? If so, please provide copies of the pay equity studies.

Shauna – compliance does equity studies. ~~And d~~During the Focal review all positions are looked at when determining- salary adjustments.

Lisa- we don't do equity studies regularly but may do ad hoc analyses. Focal review is done periodically, when we get a budget to give merit increases. Want to do it annually, but it depends on market conditions. When we do get a budget, there is lots of review of lots of employees by managers and HR.

18. Prioritize the factors given for base pay.

All are important, depends on job too. We've talked about skills, education, experience, and market rates. Depends on the situation; which would have a higher weighing for that job and selection. Current or previous salary is a big factor too. Long laundry list of what we look at and it depends on the situation.

19. Are merit increases tied to performance ratings?

Some companies have defined structure and strict guidelines based on rating number and % increase. Oracle does not have that type of structure. Not all groups are required to have performance rating. There is no formal structure. Supervisor does not have to conduct performance reviews or give a rating number. May have salary increases without performance review on the books. Or sometimes a rating using a~~system may be in a~~ 1-5 type scale may be used.

We did not have a coproate wide merit budget in 2013. ~~We went two years without merit increases because there was no budget.~~ There is no formal performance review. Depending on the organization, employees might not have a performance review but just a rating.

Focal review – budget is given to managers in the tool and the budget is cascaded down and then approved back up the hierarchy.

Oracle is divided into two merit review programs~~pools~~: Sales and non-sales. Both programs are~~Non-sales is~~ global.

Focal review is not annual and not at the same time. It varies. It's been in July and September or this last one in 2014 was in November.

The ones before that were in 2012, 2011 and 2010. Prior to 2010, due to the recession, it had been several years since a focal review was conducted and merit increases were given.

Outside of the focal review, what types of merit increases can be given?

Off-cycle reviews are the only other increase.

Base salary increase would only happen at focal or off-cycle increase.

Eligibility criteria for merit increases~~-~~ :Have to be here for 60 days. Then there are: the Sales program vs. non-sales program. A few countries are not eligible too.

OT eligible employees are not eligible for corporate bonus.~~-~~ ~~But~~ but eligible for a focal increase.

20. Is there a formula for determining merit increases?

No real formula for determining merit increases. It is based on how much budget did we get and what is best for our organization on how to spend it. There is not a corporate merit matrix because every group may have a different budget. Always based on budget and each manager can make the decisions based on the budget. No corporate merit matrix saying what a manager needs to do. Budgets aren't big so it's hard to go crazy with it. To manage this, we use the same tool that we use for bonuses.

Each manager will make recommendations in the tool, looks like spreadsheet and tells you if you are within budget and then it rolls up the approval hierarchy. Same approvers for bonus and merit increase as would be for starting salary, goes up management chain within that line of business.

Shauna – supervisors do not have to do formal performance reviews. Varies.

21. What documentation is used for these merit increases?

Same tool as for bonus that you as a manager – show whoever is eligible. Make recommendation. Show if you overspent or within budget and submit.

22. Do employees have to apply to be promoted?

No. We don't post every promotion. If it is a new job, we will post those.

Shauna – some are posted as a competitive promotion o. Others are promoted based on job evolving and increased responsibilities, c. Called in-job or non-competitive promotions at some of the different facilities.

What are examples of when someone would be promoted without a salary increase?

We look at the Ccircumstances of for a promotion, and what the current salary is. Someone that changes from a sales job ..if. If they are moving into a job that doesn't have those elements, we may or may not adjust your pay. Case by case on where you're coming from and where are you going. There isn't a set formula. There are a lot of these and we spend a lot of time on these.

Example, software developer manager . Mmaybe came in through a different job or through an acquisition and is high salary in the range. Then promoted to a sr. manager but the employee's salary is still appropriate in sr. manager range. In that circumstance the employee may not get an increase.

But if they do a good job, they are then eligible for higher bonuses and higher salary increases because of the new salary range. They also have the new title and opportunities which are important.

Is Annual target variable only for sales?

ATV is only for sales and consulting.

23. With pay differences between individuals, how do you determine the difference in pay based on experience, knowledge, skills, and performance? Is there a numerical value you place on these elements?

No formula, d. Depends on the job. Years of experience can be important. But if we are looking for a very particular skill, we might be honing in on an element of someone's resume. Specific need in an organization and go out looking for a specific skill. High tech moves so quickly, may have someone with 5 years of experience but not the right skill.

24. For H1B employees, are there internal equity considerations used in determining compensation?

I don't know if we have them at Pleasanton.

H1B folks, depending on the job, determines what they are eligible for. Based on the job these employees are eligible for all the same bonuses and have same salary ranges.

I don't even think that there is a flag for these folks in the system. For starting salaries, they are given same salary ranges and placed. Placed in a job based on experience and other factors.

25. How is salary determined when someone is promoted? What factors are considered?

Depends on what the job is. What they are being promoted to. No defined formula. Everyone is going to be looked at differently.

26. Is there anything else that we need to know to understand your compensation system?

I can't think of it. I'm sure you'll have more questions.

Training

27. Have you received training on Oracle's AAP and EEO policies?

Yes, I know I've taken some courses. n. Numerous EEO trainings online.

Shauna-AA training and separate EEO training-online training. Periodically, need to take a refresher.

Lida – As a new hire I have taken several recently. There are some for new hires that have to be done within 30 days and some are repeated annually/every two years.

28. Is EEO/Diversity an evaluation factor for officers?

Shauna - We pay bonuses to recruiters for diversity hires. We have goals by location and recruiters get paid bonuses for diversity hires for those goals, which now include VETS/Disabled.

29. Has the company ever adjusted any employee's compensation based on its compensation analysis for its AAP?

I'm not aware of any specific action.

Shauna – more of a focal. When broken down by supervisor codes, it is tightly buttoned up. When you really take a look at it, look at supervisors and products it's just a different way to do business to stay competitive.

How many employees are covered under your comp plans as Director?

Cover non-sales. ~~GIC.~~ Roughtly h~~H~~alf of the Company ~~-~~ ~~in~~ Product development and F & A– 60,000 employees. About 48,000 in US. About 60,000 out of 130,000Oracle employees.

Most recent hire date- last time they came on to Oracle's payroll.

Original Hire Date:

Dates of Hire- Oracle Hire Date, Original Hire Date

Length of time in position- at Oracle

For acquisitions, I have a continuous service date, keep vacation but if I left the vacation would be gone.

If they leave, they come back, then they don't get to keep the benefits. If they leave and come back for a higher salary, we are very careful. What were they being paid and what they got when they left.

Are there many transfers?

Depends on the group, with product development it is much less. I probably, at least once a week, speak to HR manager about transfer and looking for an opinion. In sales side, there is lots of movement.

They just keep the same wage, same title and just decide they want to move to a new location. It depends on the situation- even from HQ to non-HQ location.

Ranges are tied to physical location.

I would be put into an HQ range if I moved but my boss would not automatically give a salary increase or decrease.

The above is true to the best of my knowledge and recollection.

_____ _____

Lisa Gordon, Director Compensation Date

_____ _____

Compliance Officer Date

EXHIBIT 14

EXHIBIT 14

U.S. Department of Labor

Office of Federal Contract Compliance Programs
Greater San Francisco/Bay District Office
90 7th Street, Suite 11-100
San Francisco, California 94103

Certified Mail, Return Receipt Requested AND Electronic Mail

November 2, 2015

Shauna Holman-Harries
Director Diversity Compliance
Oracle America, Inc.
500 Oracle Parkway
Redwood Shores, CA 94065

Dear Ms. Holman-Harries:

This correspondence will serve as the Agency's final request for documents in connection with the U.S. Department of Labor, Office of Federal Contract Compliance Program's ("OFCCP") equal employment opportunity and affirmative action compliance evaluation of Oracle America, Inc. ("Oracle") at Redwood Shores. As noted below, despite the Agency's repeated requests for relevant documents over nearly a one-year period, Oracle has continued to disregard the federal government's requests and its related deadlines.

Oracle shall provide complete and accurate records responsive to the Agency's outstanding requests by **November 9, 2015**, as noted below. If such complete and accurate information is not received by this final deadline, the Agency will be forced to proceed with the compliance evaluation based upon the presumption that the information not provided would have been unfavorable to Oracle, pursuant to 41 C.F.R. §60-1.12(e).

1. Internal Pay Equity Analysis: Analyses conducted during the past three years, as required under 41 C.F.R §60-2.17. For each analysis, include the date of analysis, dataset used for the analysis, and actions taken, if any, as a result of the analysis.

   This item was previously requested on 11/19/2014, 01/22/2015, 01/28/2015, 04/27/2015, 05/11/2015 and 05/28/2015. The missed deadlines were 11/26/2014, 01/28/2015, and 05/08/2015.

2. Compensation Database (Snapshot 01/01/2014): Resubmit compensation database provided on 06/16/2015 with 01/01/2014 snapshot date, with the following additional information, and any other relevant compensation information and factors affecting pay, added in separate columns:
   - Name of school attended
   - Educational degree earned
   - Prior salary immediately before joining Oracle
   - Years of experience before joining Oracle

Exhibit No. 35
Witness name:
S. Holman-Harries
Date: 05/08/19
Robin L B Osterode CSR RPR

This information was requested on 11/19/2014, 02/10/2015, 04/27/2015, 05/11/2015, 05/28/2015, 07/30/2015, and 10/14/2015. The missed deadlines were 11/26/2015, 2/27/2015, 05/08/2015, 08/14/2015 and 10/21/2015.

3. Compensation Database (Snapshot 01/01/2013): Submit compensation database by including all the factors in the 01/01/2014 snapshot compensation database, and to include the following:
   - Names of school attended
   - Education degree earned
   - Prior salary immediately before joining Oracle
   - Performance evaluation rating
   - Rank (by performance)
   - Years of experience before joining Oracle
   - Hiring manager(s)
   - Amount of signing bonus
   - Visa status
   - Type of visa, including but not limited to HIB
   - Date (mm/dd/yyyy) that the visa was initially processed
   - Current status of visa
   - Date (mm/dd/yyyy) that green card/permanent resident card was processed.

   This information was requested on 07/30/2015, 08/28/2015, 09/21/2015, 10/01/2015 and 10/14/2015. The missed deadlines were 08/14/2015, 09/04/2015 and 10/21/2015.

4. Employee Personnel Actions: Employee personnel actions containing job and salary information and history for all employees and student interns. This information should include, but not be limited to, starting wages, wage increases, bonus awards, job title hired into, starting stock level, job title and supervisor changes, stock level changes, promotion history, performance evaluations, ranking information, with dates associated for each action.

   This information was requested on salary history information were made on 02/10/2015, 04/27/2015, 05/11/2015, 05/28/2015, and 10/14/2015. The missed deadlines were on 02/27/2015, 05/08/2015 and 10/21/2015.

5. Applicant Flow Database (01/01/2013 – 06/30/2014): For all employees who were hired during the review period 01/01/2013 – 06/30/2014, resubmit the applicant flow database from the 02/19/2015 submission to include the factors below in separate columns:
   - Visa Status (yes/no)
   - If they are on visa status, include type of visa
   - Date of Hire
   - Date of Application
   - Name and job title of the hiring manager (s) for each vacancy/requisition.
   - Job title applied to and hired into
   - Vacancy applied to and hired into

- Global career level applied to and hired into
- Job function applied to and hired into
- Specialty applied to and hired into
- Group name applied to and hired into
- Education Institution
- Type of degree (e.g., no degree, high school, associate, bachelor's, master's, PhD)
- Degree majored in (e.g., computer science, systems software, finance, accounting, etc.)
- Location Preference

The request was made on 10/14/2015 and the deadline missed was 10/21/2015.

6. Applicant Flow Database (01/01/2012 – 12/31/2012): Submit applicant flow log for all hires during the period of 01/01/2012 – 12/31/2012 including the factors below in separate columns.
   - First and Last Name
   - Sex
   - Race/Ethnicity
   - Visa Status (yes/no)
   - If they are on visa status, include type of visa
   - Job Title
   - Job Group
   - Department
   - Vacancy/Requisition Number
   - Disposition Code
   - Date of Hire
   - Date of Application
   - Name and job title of the hiring manager (s) for each vacancy/requisition

   This information was requested on 07/30/2015, 10/01/2015 and 10/14/2015. The missed due dates were 08/14/2015 and 10/21/2015.

   In addition to the factors above, please also include the factors below per the 10/14/2015 request:
   - Job title applied to and hired into
   - Vacancy applied to and hired into
   - Global career level applied to and hired into
   - Job function applied to and hired into
   - Specialty applied to and hired into
   - Group name applied to and hired into
   - Education Institution
   - Type of degree (e.g., no degree, high school, associate, bachelor's, master's, PhD)
   - Degree majored in (e.g., computer science, systems software, finance, accounting, etc.)
   - Location Preference

7. Labor Condition Applications (LCAs): OFCCP has received five (5) batches of LCAs from Oracle, which contain 413 LCAs for 832 employees. Oracle has not submitted all remaining LCAs to OFCCP.

   This information was requested on 06/24/2015, 07/27/2015, 09/02/2015, 09/29/2015, 10/01/2015 and 10/14/2015. The missed deadlines were 10/02/2015 and 10/21/2015.

8. Documents for Hiring: For all applicants and hires in the Software Developer job titles from 01/01/2012 – 06/30/2014, please provide the following:
   - Copies of each requisition, including copies of each job posting and each job description
   - Copies of all applications, resumes and any and all supplemental information submitted by each applicant
   - Name and job title of the hiring manager(s) for each requisition

   Requests made on 4/27/2015, 05/11/2015, 05/28/15/2015, 07/30/2015, 10/01/2015 and 10/14/2015. The missed deadlines were 05/08/2015, 08/14/2015 and 10/21/2015.

   To date, OFCCP has only received applications and resumes for Software Developers 4-5 and Student Interns.

9. Resume Files: Please resubmit the Resume Files that were sent on 03/26/2015, in an easy to read format. The picture-format resumes pasted on MS Word is not legible.

   This information was requested on 04/27/2015, 05/11/2015, 05/28/15, 07/30/2015, and 10/14/2015. The missed deadlines were 05/08/2015, 08/14/2015 and 10/21/2015.

10. Employee Contact Information: Contact information for all current and former employees during the review period, including home phone, cell phone, and personal email addresses.

    The requests were made 05/29/2015, 07/02/2015 and 10/14/2015. The missed deadlines were 06/05/2015, 07/10/2015 and 10/21/2015,

11. Internal and External Complaints: A list of current and former employees who have made internal and external discrimination, harassment or retaliation complaints or otherwise opposed any form of discrimination, harassment or retaliation at Oracle Redwood Shores (HQCA) during the last 3 years by: name, gender, race, national origin, job title, organization, discipline, profession.

    The requests were made on 03/04/15, 03/24/2015, 03/26/2015, 04/15/2015 and 10/14/2015. The missed deadlines were 03/23/2015, 04/24/2015 and 10/21/2015.

12. Personnel Records: Please provide non-redacted personnel files of the following individuals:
    - Anne Ephraim
    - Anuradha Sri Mantripragada

- Bhagya Yalakshmi Veeraraghavan
- Chandana Rattehalli
- David Cheng-Fang Lin
- Donnalyn Marie Villados
- Guiling Sui
- Huong Thu Nguyen
- Ian Spandow
- James Clark
- John Barron
- Juan Oropeza
- Krishnaraj (Krishna) Nandakumar
- Mandy Troung
- Maryanne Gacusan
- Mitsuko Kashima
- Neha Sethi
- Nikhil Sabharwal
- Oksana Stepaneeva
- Oleg Golubtsov
- Ping Wan
- Praveen Mandya Narayana
- Rajesh Bella
- Sang Hatee
- Sarah S. Moskovitz
- Saxena Vishwadeep
- Shivani Gupta
- Sophia Tsay
- Sungpack Hong
- Sunnia H Lin
- Vaishali Arun Chopde

Requests were made on 07/30/2015 and 10/14/2015. The missed deadlines were 08/14/2015 and 10/21/2015.

*****

OFCCP continues to welcome Oracle's cooperation in completing the Agency's compliance evaluation of its Headquarters at Redwood Shores. Accordingly, the Agency requests that Oracle submit complete and accurate records responsive to the outstanding requests by **November 9, 2015.** If such complete and accurate information is not received by this final deadline, the Agency will be forced to proceed with the compliance evaluation based upon the presumption that the information not provided would have been unfavorable to Oracle, pursuant to 41 C.F.R. §60-1.12(e).

If you have any questions regarding this matter, please contact me at (310) 268-1247.

Sincerely,

Robert A. Doles
Acting District Director
San Francisco District Office

cc: Shauna Holman-Harries (Shauna.Holman.Harries@oracle.com)

Gary R. Siniscalco
Orrick, Herrington & Sutcliffe LLP
405 Howard Street
San Francisco, CA 94105-2669

ORACLE_HQCA_0000005446

EXHIBIT 15

EXHIBIT 15

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS, UNITED STATES DEPARTMENT OF LABOR, Plaintiff, v. ORACLE AMERICA, INC., Defendant.	OALJ Case No. 2017-OFC-00006 OFCCP No. R00192699 **DECLARATION OF SHAUNA HOLMAN-HARRIES IN SUPPORT OF DEFENDANT'S MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, TO STAY THE PROCEEDINGS FOR FAILURE TO CONCILIATE**

I, SHAUNA HOLMAN-HARRIES, hereby declare as follows:

1. I am the Director of Diversity and Compliance for Oracle America Inc. ("Oracle"), a position I have held since October 2011. I make this declaration in support of Defendant's Motion for Summary Judgment or, in the Alternative, to Stay the Proceedings For Failure to Conciliate. I have personal knowledge of the facts set forth herein, except where stated on information and belief, and if called as a witness could competently testify thereto.

2. I am informed and believe that OFCCP issued a Scheduling Letter dated September 24, 2014 to Oracle, indicating that its headquarters location (500 Oracle Parkway, Redwood Shores, CA 94065; hereinafter "HQCA") has been selected for a compliance review under Executive Order 11246. Attached hereto as **Exhibit A** is a true and correct copy of the September 24, 2014 OFCCP Scheduling Letter to Oracle, which was routed to me in the regular course of business.

3. In early March 2015, Brian Mikel of OFCCP contacted me by telephone regarding certain "indicators" allegedly revealed in OFCCP's desk audit of the data provided. Attached hereto as **Exhibit B** is a true and correct copy of the March 9-13, 2015 email chain between me and Mr. Mikel that following that call.

///

Exhibit No. 19
Witness name:
S. Holman-Harries
Date: 05/08/19
Robin L. B. Ogterode CSR RPR

4. OFCCP conducted an on-site evaluation at HQCA on March 24-27, 2015. I attended and participated in that on-site. On the last day of that on-site investigation, Mr. Mikel of OFCCP briefly spoke with me. He did not relay any findings (general or otherwise) from the investigation, and made only vague reference to hiring and compensation information having "stood out."

5. OFCCP requested and Oracle agreed to a follow-up on-site evaluation at HQCA from June 22-25, 2015. I attended and participated in that on-site. Attached hereto as **Exhibit C** is a true and correct copy of a July 2, 2015 e-mail I sent to OFCCP following that on-site.

6. Attached hereto as **Exhibit D** is a true and correct copy of an e-mail I received on the evening of July 2, 2015 from Hea-Jung Atkins of OFCCP.

7. To my knowledge no exit conference ever occurred following the June 2015 follow-up on-site. I exchanged extensive additional correspondence with OFCCP, and provided additional documents and data, over the course of the following year.

8. I am informed and believe that OFCCP issued a Notice of Violation ("NOV") to Oracle dated March 11, 2016 concerning its HQCA location. Attached hereto as **Exhibit E** is a true and correct copy of the NOV, which was routed to me in the regular course of business.

9. Attached hereto as **Exhibit F** is a true and correct copy of a March 15 and 16, 2016 email chain between me and OFCCP staff.

10. Attached hereto as **Exhibit G** is a true and correct copy of a March 18 and March 29, 2016 email chain between me and OFCCP staff, along with the attachment to OFCCP's March 29, 2016 e-mail.

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11. Prior to March 2016, I had asked OFCCP on multiple occasions to explain its claim that it had found "indicators" of discrimination, or to identify specific "concerns" about particular aspects of Oracle's recruiting, hiring, or compensation practices. In addition to the correspondence detailed above, true and correct copies of my e-mails to OFCCP on this topic dated December 11, 2014, February 27, 2015, March 9, 2015, March 11, 2015, and December 17, 2015 are collected and attached hereto as **Exhibit H.**

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

Executed in Gilbert, Arizona on April 20, 2017.

Shauna Holman-Harries

U.S. Department of Labor

Office of Federal Contract Compliance Programs
Greater San Francisco/Bay District Office
90 7th Street, Suite 11-100
San Francisco, CA 94103

March 11, 2016

VIA CERTIFIED MAIL,
7015 0640 0001 2393 5541
(RETURN RECEIPT REQUESTED)

Safra A. Catz
Mark Hurd
Chief Executive Officers
ORACLE America, Inc.
500 Oracle Parkway
Redwood Shores, CA 94065

RE: COMPLIANCE EVALUATION OF ORACLE AMERICA, INC., REDWOOD SHORES, CALIFORNIA; OFCCP NO. R00192699

Dear Ms. Catz and Mr. Hurd:

The United States Department of Labor ("DOL"), Office of Federal Contract Compliance Programs ("OFCCP"), is conducting a compliance evaluation of ORACLE America, Inc. ("ORACLE") in Redwood Shores, California pursuant to 41 Code of Federal Regulations ("C.F.R.") Chapter 60: Executive Order 11246, as amended ("E.O. 11246"); Section 503 of the Rehabilitation Act of 1973, as amended ("Section 503"); and the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended ("VEVRAA").

OFCCP found that ORACLE violated E.O. 11246. Consequently, OFCCP is issuing this Notice of Violations to ORACLE. ORACLE's violations, and the corrective actions required to remedy them, are set forth below.

HIRING DISCRIMINATION (VIOLATION 1)

1. <u>VIOLATION</u>:

During the review period from January 1, 2013 through June 30, 2014, ORACLE discriminated against qualified African American, Hispanic and White (hereinafter "non-Asians") applicants in favor of Asian applicants, particularly Asian Indians, based upon race in its recruiting and hiring practices for Professional Technical 1, Individual Contributor ("PT1") roles, in violation of 41 C.F.R. 60-1.4(a)(1).

Specifically, during the period of January 1, 2013 through June 30, 2014, ORACLE recruited approximately 6800 applicants to PT1 roles. Of those applicants, ORACLE recruited 2% African

Americans, 2.5% Hispanics, 19% Whites and 76% Asian applicants. Of the Asian applicants, Asian Indians were nearly 70% of Asian applicants and over 50% of all applicants in PT1.[1]

An analysis of ORACLE's applicant data and appropriate workforce availability statistics[2] show that ORACLE favored Asian applicants, particularly Asian Indians, in recruiting at a standard deviation as significant as +85. ORACLE disfavored non-Asian applicants in recruiting, particularly African American, Hispanic and White applicants, at standard deviations as significant as -8, -10, and -80, respectively.

Additionally, during the period of January 1, 2013 through June 30, 2014, ORACLE hired approximately 670 applicants into PT1 roles. Of those hires, ORACLE hired 1% African Americans, 2% Hispanics, 14% Whites, and 82% Asian applicants. Of the Asian hires, Asian Indians were nearly 60% of Asian hires and 45% of all hires in PT1.

An analysis of ORACLE's hiring data and appropriate workforce availability statistics[3] show that ORACLE favored Asian applicants, particularly Asian Indians, in hiring at a standard deviation as significant as +30. ORACLE disfavored non-Asian applicants in hiring, particularly African American, Hispanic and White applicants, at standard deviations as significant as -4, -3, and -28, respectively.

Evidence gathered during the compliance evaluation demonstrates that ORACLE's discriminatory recruiting and hiring practices skewed the racial composition of the applicant flow data to favor Asians, particularly Asian Indians, and disfavored other racial groups for PT1 roles. In order to further analyze ORACLE's recruitment and hiring practices for PT1 roles, OFCCP made multiple requests to ORACLE for copies of all application materials for all expressions of interest, including but not limited to names of hiring managers, employee referrals, requisition dates, hire dates, and copies of job postings and job requirements. Because ORACLE failed to provide complete and accurate information in response to OFCCP's multiple requests, OFCCP presumes that the information not produced would have been unfavorable to ORACLE.

Based upon the analysis conducted and the evidence gathered during the compliance evaluation, OFCCP finds that ORACLE recruited, selected and hired Asian applicants, particularly Asian Indians, for PT1 roles at a rate significantly greater than their non-Asian counterparts who were equally or more qualified for the roles. ORACLE's recruiting and hiring practices resulted in unlawful discrimination against non-Asian applicants based upon race, particularly African American, Hispanic and White applicants.

---

[1] Asian Indians make-up less than 1% of the U.S. population. *Asians in the U.S. labor force: profile of a diverse population,* U.S. DOL, Bureau of Labor Statistics, Monthly Labor Review, November 2011, http://www.bls.gov/opub/mlr/2011/11/art1full.pdf.

[2] Availability statistics for the Software Developers, Applications & Systems Software Occupation in the United States is based upon 2006-2010 Census and/or 2013-2014 DOL, Bureau of Labor Statistics' Labor Force Statistics.

[3] See footnote 2.

CORRECTIVE ACTION:

ORACLE must agree to revise its personnel practices and procedures to ensure that the qualified non-Asian applicants for the PT1 roles are afforded equal employment opportunity for recruitment and selection. ORACLE must also agree to provide the following "make-whole relief" to the non-Asian applicants.

a) Notice: Send notification to the class members to inform them of their rights and the potential remedies.

b) Job Offer: Make bona-fide job offers on a priority basis at the rate of pay that class members would now be earning had ORACLE hired them on the date of the first opportunity following their application.

c) Monetary Settlement: Provide back pay plus quarterly compounded interest at the IRS underpayment rate for the class members. Back pay will be calculated from the date class members should have been hired to the date the violation is resolved in a signed Conciliation Agreement or a bona fide job offer is made to the respective class members. Provide any and all employment benefits that the class members would have received had it not been for the discrimination described above; and

d) Policies and Training: Develop recruitment and hiring policies that comply with Executive Order 11246, as amended, and its implementing regulations; provide mandatory training on the policies to supervisory, management and recruitment professionals involved in ORACLE's recruitment and selection process; and evaluate performance and compensation of supervisory, management and recruitment professionals based upon compliance with the policies.

COMPENSATION DISCRIMINATION (VIOLATIONS 2-5)

2. VIOLATION:

Beginning no later than January 1, 2013, and continuing thereafter, ORACLE discriminated against female employees in Information Technology, Product Development, and Support roles based upon sex by paying them less than comparable males employed in similar roles, in violation of 41 C.F.R. 60-1.4(a)(1).[4]

During the compliance review, OFCCP reviewed employment policies, practices, and records; interviewed management, human resources, and non-management employees; examined employee complaints; analyzed individual employee compensation data and other evidence; and conducted an onsite inspection of the worksite. Based upon the evidence gathered during the compliance review,

[4] ORACLE refused to provide OFCCP with complete compensation data for all relevant employees, including contract and contingent employees, for the full review period. ORACLE also did not provide any data demonstrating that its continuing compensation disparities have been remedied. Accordingly, OFCCP presumes such data would be unfavorable to ORACLE.

OFCCP evaluated and analyzed ORACLE's compensation system and, through regression and other analysis, found statistically significant pay disparities based upon sex after controlling for legitimate explanatory factors. The results of OFCCP's regression analyses are attached. **(Attachment A).**

Based upon the analysis conducted and the evidence gathered during the compliance evaluation, OFCCP finds that ORACLE paid male employees in Information Technology, Product Development, and Support roles at a rate significantly greater than their female counterparts who were equally or more qualified. ORACLE's compensation practices resulted in unlawful discrimination against female employees based upon sex.

CORRECTIVE ACTION:

ORACLE must agree to take steps to ensure that its compensation system is nondiscriminatory to all of its employees, regardless of sex. This applies to all aspects of compensation, including but not limited to, salary at the time of placement into roles, annual salary adjustments and incentive compensation in Information Technology, Product Development, and Support roles. ORACLE agrees to: 1) cease the discriminatory compensation practice(s) resulting in lower pay and adverse impact against females in Information Technology, Product Development, and Support roles; 2) provide make-whole remedies to the class of females to include back pay, interest, and other employment benefits; and 3) provide training to employees involved in setting and increasing compensation to ensure that the violation does not recur.

3. **VIOLATION:**

Beginning no later than January 1, 2013, and continuing thereafter, ORACLE discriminated against African Americans in Product Development roles based upon race by paying them less than comparable Whites employed in similar roles, in violation of 41 C.F.R. 60-1.4(a)(1).[5]

During the compliance review, OFCCP reviewed employment policies, practices, and records; interviewed management, human resources, and non-management employees; examined employee complaints; analyzed individual employee compensation data and other evidence; and conducted an onsite inspection of the worksite. Based upon the evidence gathered during the compliance review, OFCCP evaluated and analyzed ORACLE's compensation system and, through regression and other analysis, found statistically significant pay disparities based upon race after controlling for legitimate explanatory factors. The results of OFCCP's regression analysis are attached. **(Attachment A).**

Based upon the analysis conducted and the evidence gathered during the compliance evaluation, OFCCP finds that ORACLE paid White employees in Product Development roles at a rate significantly greater than their African American counterparts who were equally or more qualified. ORACLE's compensation practices resulted in unlawful discrimination against African American employees based upon race.

[5] See footnote 4.

CORRECTIVE ACTION:

ORACLE must agree to take steps to ensure that its compensation system is nondiscriminatory to all of its employees, regardless of race. This applies to all aspects of compensation, including but not limited to, salary at the time of placement into roles, annual salary adjustments and incentive compensation in Product Development roles. ORACLE agrees to: 1) cease the discriminatory compensation practice(s) resulting in lower pay and adverse impact against African Americans in Product Development roles; 2) provide make-whole remedies to the class of African Americans to include back pay, interest, and other employment benefits; and 3) provide training to employees involved in setting and increasing compensation to ensure that the violation does not recur.

4. **VIOLATION:**

Beginning no later than January 1, 2013, and continuing thereafter, ORACLE discriminated against Asians in Product Development roles based upon race by paying them less than comparable Whites employed in similar roles, in violation of 41 C.F.R. 60-1.4(a)(1).[6]

During the compliance review, OFCCP reviewed employment policies, practices, and records; interviewed management, human resources, and non-management employees; examined employee complaints; analyzed individual employee compensation data and other evidence; and conducted an onsite inspection of the worksite. Based upon the evidence gathered during the compliance review, OFCCP evaluated and analyzed ORACLE's compensation system and, through regression and other analysis, found statistically significant pay disparities based upon race after controlling for legitimate explanatory factors. The results of OFCCP's regression analysis are attached. (**Attachment A**).

Based upon the analysis conducted and the evidence gathered during the compliance evaluation, OFCCP finds that ORACLE paid White employees in Product Development roles at a rate significantly greater than their Asian counterparts who were equally or more qualified. ORACLE's compensation practices resulted in unlawful discrimination against Asian employees based upon race.

CORRECTIVE ACTION:

ORACLE must agree to take steps to ensure that its compensation system is nondiscriminatory to all of its employees, regardless of race. This applies to all aspects of compensation, including but not limited to, salary at the time of placement into roles, annual salary adjustments and incentive compensation in Product Development roles. ORACLE agrees to: 1) cease the discriminatory compensation practice(s) resulting in lower pay and adverse impact against Asians in Product Development roles; 2) provide make-whole remedies to the class of Asians to include back pay, interest, and other employment benefits; and 3) provide training to employees involved in setting and increasing compensation to ensure that the violation does not recur.

[6] See footnote 4.

5. **VIOLATION:**

Beginning no later than January 1, 2013, and continuing thereafter, ORACLE discriminated against Americans in Product Development and Support roles based upon national origin by paying them less than comparable non-Americans employed in similar roles, in violation of 41 C.F.R. 60-1.4(a)(1).[7]

During the compliance review, OFCCP reviewed employment policies, practices, and records; interviewed management, human resources, and non-management employees; examined employee complaints; analyzed individual employee compensation data and other evidence; evaluated public disclosure files and related wage determination memoranda; and conducted an onsite inspection of the worksite. Based upon the evidence gathered during the compliance review, OFCCP evaluated and analyzed ORACLE's compensation system and, through regression and other analysis, found statistically significant pay disparities based upon national origin after controlling for legitimate explanatory factors. The results of OFCCP's regression analysis are attached. (**Attachment A**).

Based upon the analysis conducted and the evidence gathered during the compliance evaluation, OFCCP finds that ORACLE paid non-American employees in Product Development and Support roles at a rate significantly greater than their American counterparts who were equally or more qualified. ORACLE's compensation practices resulted in unlawful discrimination against American employees based upon national origin.

CORRECTIVE ACTION:

ORACLE must agree to take steps to ensure that its compensation system is nondiscriminatory to all of its employees, regardless of national origin. This applies to all aspects of compensation, including but not limited to, salary at the time of placement into roles, annual salary adjustments and incentive compensation in Product Development and Support roles. ORACLE agrees to: 1) cease the discriminatory compensation practice(s) resulting in lower pay and adverse impact against Americans in Product Development and Support roles; 2) provide make-whole remedies to the class of Americans to include back pay, interest, and other employment benefits; and 3) provide training to employees involved in setting and increasing compensation to ensure that the violation does not recur.

AFFIRMATIVE ACTION VIOLATIONS (VIOLATIONS 6-8)

6. **VIOLATION:**

ORACLE failed to perform an in-depth analysis of its total employment processes to determine whether and where impediments to equal employment opportunity exist as required by 41 C.F.R. 60-2.17(b)(3). Specifically, ORACLE failed to identify problem areas in its compensation system(s) to determine whether sex or race based disparities existed.

[7] See footnote 4.

CORRECTIVE ACTION:

ORACLE must agree to perform in-depth analyses of its total employment processes to determine whether and where impediments to equal employment opportunity exist. ORACLE must agree to evaluate its compensation system(s), specifically base salary, bonus programs, starting wages, pay increases, restricted stock units (RSU) or other stock awards, promotions relative to pay, and any other benefits, to determine whether there are sex, race or national origin based pay disparities. ORACLE will incorporate these analyses and determinations into its current AAP and will update these analyses at least annually and incorporate them into future AAPs.

7. **VIOLATION:**

ORACLE failed to demonstrate good faith efforts to develop and execute action-oriented programs designed to correct pay disparities as of January 1, 2013. Specifically, ORACLE was unable to demonstrate that it had conducted any pay equity analyses, or otherwise attempted to correct the problem areas identified in 41 C.F.R. 60-2.17(b)(3) in violation of 41 C.F.R. 60-2.17(c).

CORRECTIVE ACTION:

ORACLE must agree to conduct an in-depth analysis of its total employment processes to determine whether any impediments to equal opportunity exist. ORACLE must then develop and implement action-oriented programs designed to remove any identified impediments and institute salary adjustment procedures to determine where and how equity adjustments should be made to ensure nondiscrimination.

8. **VIOLATION:**

ORACLE failed to develop and implement an internal audit and reporting system that periodically measured the effectiveness of its total affirmative action program as required by 41 C.F.R. 60-2.17(d). Specifically, ORACLE failed to monitor its records of all personnel activities, such as compensation, at all levels to ensure its nondiscriminatory policy was carried out.

CORRECTIVE ACTION:

ORACLE must agree to implement an internal audit and reporting system to periodically measure the effectiveness of its total affirmative action program. ORACLE must agree to take the following corrective actions:

a) Monitor records of all personnel activity, such as all components of compensation, to ensure the non-discriminatory policy is enforced;

b) Require internal reporting on a scheduled basis as to the degree to which equal employment opportunity and organizational objectives are attained;

c) Review reports with all levels of management;

d) Advise top management about the effectiveness of the equal employment opportunity program and submit recommendations to improve any unsatisfactory performance; and

e) Provide training to all employees who participate in any component of ORACLE's compensation system(s).

RECORDKEEPING AND ACCESS VIOLATIONS (VIOLATION 9-10)

9. VIOLATION:

ORACLE failed to collect and maintain personnel and employment records and conduct adverse impact analyses in accordance with the requirements of 41 C.F.R. 60-1.12(a) and Part 60-3. Additionally, ORACLE failed to conduct the adverse impact analyses required by 41 C.F.R. 60-3.15A and 60-3.4.

CORRECTIVE ACTION:

ORACLE will ensure that its records are collected and maintained in accordance with the requirements of 41 C.F.R. 60-1.12(a) and Part 60-3. ORACLE will conduct adverse impact analyses on at least an annual basis for the purpose of determining whether adverse impact exists against applicants based on race, sex, or national origin/ethnic group in hiring, promotion, termination, and other personnel activities. These analyses will be done by job for each group constituting more than 2% of the labor force in the relevant labor area or 2% of the applicable workforce. If adverse impact is identified in the total selection process, ORACLE will evaluate each individual component of the selection process for adverse impact. If adverse impact is found to exist in any of the individual components of the selection process, ORACLE will validate each such component in accordance with the Uniform Guidelines on Employee Selection Procedures or utilize selection procedures which do not result in adverse impact.

10. VIOLATION:

ORACLE denied OFCCP access to records, including prior year compensation data for all employees and complete hiring data for PT1 roles during the review period of January 1, 2013 through June 30, 2014, which are relevant to the matter under investigation and pertinent to ORACLE's compliance with Executive Order 11246, as amended, and the regulatory requirements at 41 C.F.R. 60-1.12; 60-1.20; 60-1.43; 60-2.32 and 60-3.4.

CORRECTIVE ACTION:

ORACLE must immediately provide to OFCCP all relevant compensation and hiring data, which was requested on April 27, 2015, May 11, 2015, May 28, 2015, July 30, 2015, October 1, 2015, October 14, 2015, November 2, 2015, and December 15, 2015.

Finally, please note that nothing herein is intended to relieve ORACLE from the obligation to comply with the requirements of E.O. 11246, Section 503, and/or VEVRAA, their implementing regulations, or any other equal employment opportunity/ nondiscrimination statute, executive order or regulation. In addition, this Notice of Violation in no way limits the applicability of the revised regulations implementing Section 503, 41 C.F.R. Part 60-741 (2014) and the revised regulations implementing VEVRAA, 41 C.F.R. Part 60-300 (2014).

*****

In order to come into compliance, ORACLE must enter into a binding Conciliation Agreement with OFCCP that encompasses all of the corrective actions described above. It is our desire to avoid enforcement proceedings. You may contact me at (415) 625-7839 within five (5) business days of receipt of this letter if ORACLE would like to begin conciliation and resolution of the specified violations.

Sincerely,

Robert Doles
District Director

cc: Shauna Holman-Harries (*via* email: shauna.holman.harries@ORACLE.com)
Director Diversity Compliance, Oracle America, Inc.

Juana Schurman (*via* email: juana.schurman@ORACLE.com)
Vice President and Associate General Counsel, Oracle America, Inc.

Gary R. Siniscalco (*via* email: grsiniscalco@orrick.com)
Orrick Herrington & Sutcliffe LLP

Enclosure

ATTACHMENT A

COMPENSATION DISCRIMINATION (VIOLATIONS 2-5)

Analysis of Employees' Annual Salary and Gender

The United States Department of Labor, Office of Federal Contract Compliance Programs ("OFCCP") conducted statistical analysis of the employment records Oracle America, Inc. ("Oracle") provided to OFCCP during its equal employment opportunity investigation of Oracle's facility in Redwood Shores, California. OFCCP analyzed Oracle employees' compensation data by Oracle job function using a model that included the natural log of annual salary as a dependent variable, and accounted for differences in employees' gender, work experience at Oracle, work experience prior to Oracle, full-time/part-time status, exempt status, global career level, job specialty, and job title.

As displayed in the table below, the results of the analysis show a statistically significant salary disparity adverse to female employees in *Information Technology*, *Product Development*, and *Support* roles.

Regression Analysis of Female and Male Employees' Salary Difference at Oracle

Year[1]	Class	Number of Female Class Members	Standard Deviations
2014	Female *Information Technology* Employees	133	-2.71
2014	Female *Product Development* Employees	1,207	-8.41
2014	Female *Support* Employees	47	-3.67

[1] Oracle provided OFCCP with one year of compensation data that included Oracle employees who were employed at the relevant facility on January 1, 2014. Oracle refused to provide OFCCP with its prior year compensation data.

Analysis of Employees' Annual Salary and Race

The United States Department of Labor, OFCCP conducted statistical analysis of the employment records Oracle provided to OFCCP during its equal employment opportunity investigation of Oracle's facility in Redwood Shores, California. OFCCP analyzed Oracle employees' compensation data by Oracle job function using a model that included the natural log of annual salary as a dependent variable, and accounted for differences in employees' race, work experience at Oracle, work experience prior to Oracle, full-time/part-time status, exempt status, global career level, job specialty, and job title.

As displayed in the table below, the results of the analysis show a statistically significant salary disparity adverse to African American and Asian employees in *Product Development* roles.

Regression Analysis of African American and White Employees' Salary Difference at Oracle

Year[2]	Class	Number of Black Class Members	Standard Deviations
2014	African American *Product Development* Employees	27	-2.10

Regression Analysis of Asian and White Employees' Salary Difference at Oracle

Year[3]	Class	Number of Asian Class Members	Standard Deviations
2014	Asian *Product Development* Employees	3,086	-6.55

[2] Oracle provided OFCCP with one year of compensation data that included Oracle employees who were employed at the relevant facility on January 1, 2014. Oracle refused to provide the Agency prior year compensation data.

[3] Oracle provided OFCCP with one year of compensation data that included Oracle employees who were employed at the relevant facility on January 1, 2014. Oracle refused to provide the Agency prior year compensation data.

Analysis of Employees' Annual Salary and National Origin

The United States Department of Labor, OFCCP conducted statistical analysis of the employment records Oracle provided to OFCCP during its equal employment opportunity investigation of Oracle's facility in Redwood Shores, California. OFCCP analyzed Oracle employees' compensation data by Oracle job function using a model that included the natural log of annual salary as a dependent variable, and accounted for differences in employees' national origin, work experience at Oracle, work experience prior to Oracle, full-time/part-time status, exempt status, global career level, job specialty, visa status, and job title.

As displayed in the table below, the results of the analysis show a statistically significant salary disparity adverse to American employees in *Product Development* and *Support* roles.

Regression Analysis of American and Non-American Employees' Salary Difference at Oracle

Year[4]	Class	Number of American Class Members	Standard Deviations
2014	American *Product Development* Employees	3,501	-7.07
2014	American *Support* Employees	185	-3.65

[4] Oracle provided OFCCP with one year of compensation data that included Oracle employees who were employed at the relevant facility on January 1, 2014. Oracle refused to provide the Agency prior year compensation data.

EXHIBIT 16

EXHIBIT 16

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS, UNITED STATES DEPARTMENT OF LABOR, Plaintiff, v. ORACLE AMERICA, INC., Defendant.	OALJ Case No. 2017-OFC-00006 OFCCP No. R00192699

OFCCP'S SECOND SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS TO ORACLE AMERICA, INC.

Plaintiff the Office of Federal Contract Compliance Programs, United States Department of Labor ("OFCCP"), under 41 C.F.R. § 60-30.10, requests that Defendant Oracle America, Inc. ("Oracle") produce at the Office of the Solicitor, U.S. Department of Labor, 90 7TH Street, Suite 3-700, San Francisco, California 94103, within 25 days after these requests are served, the documents requested below that are in Oracle's possession, custody, or control, or in the possession, custody, or control of any of its agents, representatives, attorneys, consultants, successors, subsidiaries, or divisions.

DEFINITIONS

1. "YOU" and "YOUR" mean Oracle America, Inc. and all of its agents, representatives, attorneys, consultants, successors, subsidiaries, or divisions.

2. "RELEVANT TIME PERIOD" means **January 1, 2013 to the present** unless

otherwise stated.

3. "AFFINITY GROUP" means any group of people linked by a common interest or purpose and includes, but is not limited to, gender or race.

4. "AMENDED COMPLAINT" means the pleading filed by OFCCP in this action on January 25, 2017.

5. "And" and "or" shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive.

6. "ANSWER" means the Answer to the AMENDED COMPLAINT filed by YOU in this action on February 8, 2017.

7. "COLLEGE RECRUIT" means any PERSON who expresses interest or applies to YOU through YOUR college recruiting program (including undergraduate students, graduate students, and recent graduates) for technical positions (as opposed to sales positions), including positions in the Professional Technical I, Individual Contributor job group or Product Development, Support, or Information Technology lines of business.

8. "COMMUNICATIONS" means all transactions or transfers of information of any kind, whether orally, in writing, or in any other manner, at any time or place, under any circumstances whatsoever.

9. "COMPENSATION" means any payments made to, or on behalf of, an employee as remuneration for employment, including but not limited to salary, wages, overtime pay, shift differentials, commissions, bonuses, vacation and holiday pay, retirement and other benefits, stock options and awards, and profit sharing.

10. "DATABASE" means any file or collection of information in fielded format that exists in computer-readable form.

11. "DOCUMENT" means all writings of any kind, including any written, printed, typed, electronically stored, or other graphic matter of any kind or nature and all mechanical or electronic sound recordings or transcripts thereof, in YOUR possession and/or control or known by YOU to exist, and also means all copies of documents by whatever means made, including, but not limited to: papers, letters, correspondence, emails, text messages, presentations, manuals, computerized files, computerized spreadsheets, telegrams, interoffice communications, memoranda, notes, notations, notebooks, reports, records, accounting books or records, schedules, tables, charts, transcripts, publications, scrapbooks, diaries, and any drafts, revisions, or amendments of the above, and all other materials enumerated in the definition provided in Rule 34 of the Federal Rules of Civil Procedure.

12. "EXPERIENCED RECRUIT" means a PERSON who expresses interest or applies to YOU through the requisition process for technical (as opposed to sales) positions, including positions in the Professional Technical I, Individual Contributor job group or Product Development, Support, or Information Technology lines of business, and who is not already employed by YOU.

13. "GOVERNMENT CONTRACT" means a contract as defined in 41 C.F.R. § 60-1.3.

14. "HIRING" or "HIRE" mean receiving expressions of interest, soliciting, recruiting, communicating with, screening, interviewing, evaluating, determining starting salary and other COMPENSATION for, and/or extending offers to, PERSONS who express interest in a position with YOU or requisition posted by YOU.

15. "LABOR CONDITION APPLICATIONS" means a Labor Condition Application for H-1B Nonimmigrants provided by the United States Department of Labor,

Employment and Training Administration.

16. "OFCCP" means the Office of Federal Contract Compliance Programs, United States Department of Labor.

17. "ORGANIZATIONAL CHART" means a graphic or written representation of the structure of YOUR business or any portion of YOUR business, which shows the relationships of the positions or jobs (including but not limited to reporting relationships) within each line of business, job function, or any other division or group as YOU have defined them in the normal course of YOUR business operations.

18. "PERSON" means without limitation individuals, firms, associations, partnerships, corporations, governmental agencies or offices and employees, and any other entity.

19. "PERSONNEL" means information relating to YOUR current, former, or prospective employees.

20. "PERSONNEL FILE" means any data, file (including electronic files), collection of DOCUMENTS and COMMUNICATIONS, or other form in which information is stored or maintained by YOU or any of YOUR officers, executives, all levels of management, human resources department(s) or division(s), and/or any other employee or PERSON acting or purporting to act on YOUR behalf or at YOUR direction, concerning the employment of a particular employee, whether current, former, or prospective.

21. "POLICIES," "PRACTICES," or "PROCEDURES" means each rule, action, or directive, whether formal or informal, and each common understanding or course of conduct that was recognized as such by YOUR present or former officers, agents, employees, or other PERSONS acting or purporting to act on YOUR behalf or at YOUR direction, that was in effect

at any time during the RELEVANT TIME PERIOD. These terms include any changes that occurred during the RELEVANT TIME PERIOD.

22. "PROMOTION" means a change in an employee's job title, salary code, grade, or other ranking which results in an increase in COMPENSATION, responsibility, and/or other benefit.

23. "RELATING TO" means constituting, memorializing, evidencing, containing, showing, supporting, contradicting, summarizing, pertaining to, or referring to, whether directly or indirectly, the subject of the particular request.

24. "TRANSFER EMPLOYEE" means an individual previously employed by YOU (i.e., a rehire) or at the time of hire was employed by YOU (at YOUR headquarters or at any of YOUR other locations) or by a corporate affiliate of YOU (such as Oracle India Pvt. Ltd.).

INSTRUCTIONS

1. Unless otherwise stated, these requests relate to Oracle's POLICIES, PRACTICES, or PROCEDURES that apply at its headquarters located at Redwood Shores, California.

2. In responding to these requests, furnish all information that is available to YOU. If, after exercising due diligence to secure the DOCUMENTS, YOU cannot produce the requested DOCUMENTS in full, respond to the extent possible, specifying YOUR inability to produce the remainder. If YOU object to any request, state with specificity the basis for the objection, decline to respond to only that portion of the request deemed objectionable, and respond to the balance of the request.

3. If any requested DOCUMENT was, but is no longer, in YOUR possession,

custody, or control, or is no longer in existence, state whether such DOCUMENT is:

a. missing or lost;

b. destroyed;

c. transferred to others; or

d. otherwise disposed of.

For any DOCUMENT so disposed of, summarize the contents of the DOCUMENT in as much detail as possible. If the DOCUMENT is missing, lost, or destroyed, set forth the circumstances surrounding such disposition. If the DOCUMENT was transferred to others or otherwise disposed of, describe in detail the authorization for such disposition, state the date or closest approximate date known to YOU of such disposition, state the current location of the DOCUMENT, and identify the custodian of all copies of such DOCUMENT.

4. These requests are intended to cover all DOCUMENTS in existence or in effect at any time during the RELEVANT TIME PERIOD. If any responsive DOCUMENTS have changed over the RELEVANT TIME PERIOD, produce all responsive DOCUMENTS, regardless of whether they reflect POLICIES, PRACTICES, or PROCEDURES that are no longer in effect.

5. With respect to the application of privileges: If YOU decline to produce any DOCUMENT or to otherwise provide information on the basis of a claim of privilege, so state in response to the DOCUMENT request. Any part of a DOCUMENT for which YOU do not claim a privilege must be produced. Furnish a complete log of any DOCUMENTS or portions of DOCUMENTS withheld on the basis of privilege, describing each such DOCUMENT or portion thereof in a manner that will enable OFCCP to assess the applicability of the privilege being asserted. This includes, without limitation, setting forth for each such DOCUMENT the dates

the DOCUMENT was prepared and transmitted, to whom and from whom the DOCUMENT was transmitted, including copies thereof, the length of the DOCUMENT, the privilege(s) claimed, and the factual basis for the claim of privilege.

6. Under 41 C.F.R. § 60-30.1 and Rule 26(e) of the Federal Rules of Civil Procedure, these requests for production are continuing in nature and, to the extent that the responses may be enlarged, diminished, or otherwise modified by information acquired by YOU or YOUR attorneys after filing this response, YOU and YOUR attorneys are required to promptly serve and file supplemental DOCUMENTS reflecting the changes.

7. The parties responding to these requests are charged with knowledge of what they know, what their agents, employees, servants, representatives, and attorneys know, what is in records available to them, and what others have told them on which they intend to rely in their defense.

8. All DOCUMENT productions made in response to these requests must comply with OFCCP's technical specifications, which will be provided separately.

REQUESTS FOR PRODUCTION OF DOCUMENTS

30. DOCUMENTS, including but not limited to ORGANIZATIONAL CHARTS or lists, sufficient to identify any and all PERSON(S), by name and job title, with authority to affect an EXPERIENCED RECRUIT's disposition or HIRING, including PERSONS participating in job fairs, evaluating or screening expressions of interest, resumes and other application DOCUMENTS, interviewing applicants, making recommendations whether to hire applicants, and approving hires during the RELEVANT TIME PERIOD.

31. DOCUMENTS, including but not limited to ORGANIZATIONAL CHARTS or lists,

sufficient to identify any and all PERSON(S), by name and job title, with authority to affect a TRANSFER EMPLOYEE's disposition or HIRING, including PERSONS evaluating or screening expressions of interest, resumes and other application DOCUMENTS, interviewing applicants, making recommendations whether to hire applicants, and approving hires for technical positions, including positions in the PT1 job group or Product Development line of business during the RELEVANT TIME PERIOD.

32. DOCUMENTS, including but not limited to ORGANIZATIONAL CHARTS or lists, sufficient to identify the structure of, and any and all PERSON(S) (by name and job title) within, YOUR human resources and/or PERSONNEL department(s) during the RELEVANT TIME PERIOD, including but not limited to: the job positions that existed within the human resources and/or PERSONNEL department(s); the PERSONS who held those positions; and the reporting relationships between each individual and job position.

33. For each job position listed in the ORGANIZATIONAL CHARTS or lists identified in response to Request No. 32, produce all DOCUMENTS RELATING TO, or containing, a description of the specific functions, responsibilities, and tasks assigned and job duties to be performed.

34. All DOCUMENTS and COMMUNICATIONS RELATING TO YOUR POLICIES, PRACTICES, or PROCEDURES for HIRING EXPERIENCED RECRUITS during the RELEVANT TIME PERIOD, including but not limited to all DOCUMENTS and COMMUNICATIONS RELATING TO any criteria that YOU used to evaluate EXPERIENCED RECRUITS at any stage (i.e., screening, interview, post-interview, etc.) of the application process.

35. All DOCUMENTS and COMMUNICATIONS RELATING TO YOUR POLICIES,

PRACTICES, or PROCEDURES for HIRING TRANSFER EMPLOYEES during the RELEVANT TIME PERIOD, including but not limited to all DOCUMENTS and COMMUNICATIONS RELATING TO any criteria that YOU used to evaluate TRANSFER EMPLOYEES at any stage (i.e., screening, interview, post-interview, etc.) of the application process.

36. All DOCUMENTS and COMMUNICATIONS RELATING TO YOUR POLICIES, PRACTICES, or PROCEDURES for HIRING international TRANSFER EMPLOYEES during the RELEVANT TIME PERIOD, including but not limited to all DOCUMENTS and COMMUNICATIONS RELATING TO any criteria that YOU used to evaluate international TRANSFER EMPLOYEES at any stage (i.e., screening, interview, post-interview) of the application process.

37. All DOCUMENTS and COMMUNICATIONS RELATING TO events YOU were involved with (including but not limited to events YOU held, sponsored, attended, or sent materials [whether or not YOU attended], such as recruiting fairs, job fairs, events for AFFINITY GROUPS) RELATING TO HIRING EXPERIENCED RECRUITS during the RELEVANT TIME PERIOD.

38. All DOCUMENTS and COMMUNICATIONS RELATING TO events YOU were involved with (including but not limited to events YOU held, sponsored or attended, such as internal job fairs, events for AFFINITY GROUPS) RELATING TO HIRING TRANSFER EMPLOYEES for any technical positions, including all PT1 job group positions and all positions within the Product Development line of business during the RELEVANT TIME PERIOD.

39. All DOCUMENTS and COMMUNICATIONS exchanged between YOU and any recruiter (internal or external) RELATING TO HIRING EXPERIENCED RECRUITS during the

RELEVANT TIME PERIOD.

40. All DOCUMENTS and COMMUNICATIONS exchanged between YOU and any recruiter (internal or external) RELATING TO HIRING TRANSFER EMPLOYEES during the RELEVANT TIME PERIOD.

41. All DOCUMENTS and COMMUNICATIONS RELATING TO POLICIES, PRACTICES, or PROCEDURES (including but not limited to manuals or instructions) for searching external job boards or websites for potential HIRES during the RELEVANT TIME PERIOD.

42. All notes or records of interviews, whether by phone or in-person (including but not limited to memos, emails, and text messages), of EXPERIENCED RECRUITS who were interviewed during the RELEVANT TIME PERIOD.

43. All notes or records of interviews, whether by phone or in-person (including but not limited to memos, emails, and text messages), of TRANSFER EMPLOYEES who were interviewed for any PT1 job group positions or positions within the Product Development line of business during the RELEVANT TIME PERIOD.

44. All DOCUMENTS and COMMUNICATIONS (including but not limited to memos, emails, and text messages) stating, summarizing, supporting, or explaining YOUR decision or recommendation on a disposition of an expression of interest or application at any point of the HIRING process from an EXPERIENCED RECRUIT during the RELEVANT TIME PERIOD.

45. All DOCUMENTS and COMMUNICATIONS (including but not limited to memos, emails, and text messages) stating, summarizing, supporting, or explaining YOUR decision or recommendation on a disposition of an expression of interest or application at any point of the HIRING process from a TRANSFER EMPLOYEE who applied for or expressed an interest for

any PT1 job group positions or positions within the Product Development line of business during the RELEVANT TIME PERIOD.

46. All COMMUNICATIONS (including by not limited to memos, emails, and text messages) to and from Joyce Westerdahl RELATING TO: HIRING; COMPENSATION; PROMOTIONS; diversity or affirmative action; race; gender; national origin; or complaints (whether formal or informal) regarding: discrimination (including but not limited to race or gender); retaliation; unfair treatment; unfair COMPENSATION; and/or hostile work environment.

47. All DOCUMENTS (e.g., applications, resumes, expressions of interest, transcripts, references) submitted by PERSONS expressing an interest in or applying for positions in the PT1 job group or Product Development line of business during the RELEVANT TIME PERIOD.

48. All DOCUMENTS (e.g., job postings, requisitions, e-mails) submitted from YOU to PERSONS expressing an interest in or applying for positions in the PT1 job group or Product Development line of business during the RELEVANT TIME PERIOD.

49. All DOCUMENTS that define or describe YOUR DOCUMENT and data retention POLICIES, PRACTICES, or PROCEDURES for YOUR DATABASE(S) and any other repository for storing DOCUMENTS RELATING TO HIRING (including iRecruitment and Taleo) during the RELEVANT TIME PERIOD.

50. All DOCUMENTS that define or describe YOUR DOCUMENT and data retention POLICIES, PRACTICES, or PROCEDURES for YOUR human resources, compensation, and/or PERSONNEL DATABASE(S) and any other repository for storing PERSONNEL DOCUMENTS and COMMUNICATIONS (including E-business suites, HRIS, Compensation workbench, and GSIAP) during the RELEVANT TIME PERIOD.

51. DOCUMENTS, including but not limited to ORGANIZATIONAL CHARTS or lists, sufficient to identify any and all PERSON(S) with knowledge of YOUR human resources and/or PERSONNEL DATABASE(S) and any other repository for storing PERSONNEL DOCUMENTS and COMMUNICATIONS, including but not limited to identifying any and all PERSONS(S) with knowledge RELATING TO: inputting, saving, storing, producing, deleting, and manipulating information contained in said DATABASE(S).

52. All performance evaluation forms (including electronic forms or fields for data entry) that YOU used for PERSONS in PT1 job group positions or in the Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD.

53. DOCUMENTS, including but not limited to ORGANIZATIONAL CHARTS or lists, sufficient to identify any and all PERSON(S), including but not limited to officers, executives, and all levels of management, with the ability to make a decision to affect a PERSON's COMPENSATION (i.e., by evaluating job performance, recommending increases or decreases in COMPENSATION; recommending PROMOTIONS or demotions) during the RELEVANT TIME PERIOD for positions within the Product Development, Information Technology, and Support lines of business.

54. All DOCUMENTS relating to PRACTICES, POLICIES, or PROCEDURES for assigning PERSONS in the Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD to a "salary code" or "grade" and to a job title.

55. All DOCUMENTS RELATING TO PRACTICES, POLICIES, or PROCEDURES for determining starting COMPENSATION (i.e., upon hire) for COLLEGE RECRUITS during the RELEVANT TIME PERIOD.

56. All DOCUMENTS RELATING TO PRACTICES, POLICIES, or PROCEDURES for

determining starting COMPENSATION (i.e., upon hire) for EXPERIENCED RECRUITS hired into PT1 job group positions or into positions in the Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD.

57. All DOCUMENTS RELATING TO PRACTICES, POLICIES, or PROCEDURES for determining starting COMPENSATION (i.e., upon hire for that particular position) for TRANSFER EMPLOYEES hired into PT1 job group positions or into positions in the Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD (including COMPENSATION guidelines for international TRANSFER EMPLOYEES).

58. All DOCUMENTS RELATING TO PRACTICES, POLICIES, or PROCEDURES for determining job assignments (including but not limited to department/division, group, product team, and/or client assignments) for PERSONS in PT1 job group positions or in the Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD.

59. All DOCUMENTS RELATING TO PRACTICES, POLICIES, or PROCEDURES RELATING TO the PROMOTION process for PERSONS in the Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD.

60. All DOCUMENTS RELATING TO managers' requests for a PROMOTION of PERSONS in the Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD, including but not limited to any completed "Promotion Template."

61. For each PERSON in the Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD, DOCUMENTS evidencing the

PERSON's characteristics YOU considered when setting that PERSON's COMPENSATION, either upon hire or in connection with a raise or PROMOTION, including but not limited to performance evaluations or other DOCUMENTS from the PERSON's PERSONNEL FILE evidencing that PERSON's experience or qualifications.

62. All DOCUMENTS RELATING TO PRACTICES, POLICIES, or PROCEDURES for determining any changes in COMPENSATION for PERSONS in the Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD.

63. All DOCUMENTS RELATING TO PRACTICES, POLICIES, or PROCEDURES for setting pay ranges for job titles and/or pay grades in the Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD.

64. All DOCUMENTS RELATING TO PRACTICES, POLICIES, or PROCEDURES reflecting how PERSONS in the Product Development, Information Technology, and Support lines of business are evaluated, ranked, and/or analyzed, during the RELEVANT TIME PERIOD, including but not limited to: standards used; the process for evaluating, ranking, and/or analyzing; positions that evaluate, rank and/or analyze; the review and approval process.

65. All DOCUMENTS provided to YOUR employees, including but not limited to employee handbooks, describing PRACTICES, POLICIES, or PROCEDURES RELATING TO: HIRING; job assignments (including but not limited to initial job assignments, lateral movements, and transfers); COMPENSATION; PROMOTIONS; demotions; diversity and/or affirmative action, for PT1 job group positions and positions in the Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD.

66. All DOCUMENTS RELATING TO PRACTICES, POLICIES, or PROCEDURES for raising a complaint of: discrimination (including but not limited to race or gender); retaliation;

unfair treatment; unfair COMPENSATION; and/or hostile work environment (including all PRACTICES, POLICIES, or PROCEDURES RELATING TO YOU investigating and addressing such complaints, whether internal or external) during the RELEVANT TIME PERIOD.

67. All DOCUMENTS RELATING TO complaints made (whether formal or informal, oral or written) against YOU (including against any and all PERSON(S) involved in HIRING for PT1 job group and/or Product Development job group positions or involved in determining COMPENSATION for employees in the Product Development, Information Technology, and Support lines of business) that allege, in whole or in part, discrimination (including but not limited to race or gender); retaliation; unfair treatment; unfair COMPENSATION; and/or hostile work environment during the RELEVANT TIME PERIOD.

68. All DOCUMENTS initiating legal proceedings against YOU concerning PERSONNEL issues by PERSONS in the PT1 job group or in the Product Development, Information Technology, or Support lines of business during the RELEVANT TIME PERIOD, including but not limited to: civil lawsuits; arbitrations; and/or administrative charges of: discrimination (including but not limited to race or gender); retaliation; unfair treatment; unfair COMPENSATION; and/or hostile work environment, including but not limited to charges filed with the Equal Employment Opportunity Commission, any state equal employment agencies, human rights agencies, or unemployment agencies.

69. All DOCUMENTS, including but not limited to employee surveys, summaries, reports, or presentations, addressing or referencing: discrimination (including but not limited to race or gender); retaliation; unfair treatment; unfair COMPENSATION; hostile work environment; morale; and/or improper management conduct during the RELEVANT TIME PERIOD.

70. All GOVERNMENT CONTRACTS to which YOU have been a party during the RELEVANT TIME PERIOD, including any addenda, modifications, affirmations, and/or novations.

71. YOUR internal pay equity analyses conducted pursuant to 41 C.F.R. § 60-2.17 for the RELEVANT TIME PERIOD, including the date of analysis and dataset(s) used for the analysis.

72. All DOCUMENTS RELATING TO actions taken during the RELEVANT TIME PERIOD in response to YOUR internal pay equity analyses conducted pursuant to 41 C.F.R. § 60-2.17.

73. DATABASE(S) exported in a non-proprietary format, such as an Excel-readable file (e.g., .XLS or .CSV files), with data dictionaries and/or internal documentation describing the fields/outputs containing the following, regardless of time period: PERSONNEL, PROMOTION, payroll, gender, and race data for employees in the PT1 job group or in the Product Development, Information Technology, and Support lines of business. Data should include all data contained in Oracle's GSIAP system, including data from (1) the "People" window and all tabs shown on that window (i.e., "Personal," "Employment," "Office Details," "Applicant," "Further Name," "Other," and "Benefits"); (2) the "Previous Employment Information" window; (3) the "Schools and Colleges Attended" window; (4) the "Assignment" screen and all tabs shown on that window (i.e., "Salary Information," "Supervisor," "Standard Conditions," and "Statutory Information); (5) the "Salary Administration" window; (6) the "Performance" window; (7) the "Salary History" window; and (8) the "DateTrack History of Assignments" window.

74. DATABASE(S) exported in a non-proprietary format, such as an Excel-readable file (e.g., .XLS or .CSV files), with data dictionaries and/or or internal documentation describing the

fields/outputs containing the following: applicant, offer, gender, and race data for EXPERIENCED RECRUITS during the RELEVANT TIME PERIOD. Data should include all data contained in Oracle's iRecruitment system and Taleo system, including data from (1) the "Candidate Details" window and all tabs shown on that window (i.e., including "Candidate Profile," "Qualifications," "Resumes and Documents," "Jobs Considered for," "Applications," and "Offers"), (2) the "Vacancies" window and all tabs shown on that window (i.e., "Vacancy Details," "Applicants," and links, such as "Review Resume" and "Application Notes").

75. DATABASE(S) exported in a non-proprietary format, such as an Excel-readable file (e.g., .XLS or .CSV files), with data dictionaries and/or internal documentation describing the fields/outputs containing the following: applicant, offer, gender, and race data for TRANSFER EMPLOYEES into positions in the PT1 job group or Product Development line of business during the RELEVANT TIME PERIOD. Data should include all data contained in Oracle's iRecruitment system and Taleo system, including data from (1) the "Candidate Details" window and all tabs shown on that window (i.e., including "Candidate Profile," "Qualifications," "Resumes and Documents," "Jobs Considered for," "Applications," and "Offers"), (2) the "Vacancies" window and all tabs shown on that window (i.e., "Vacancy Details," "Applicants," and links, such as "Review Resume" and "Application Notes").

76. DATABASE(S) exported in a non-proprietary format, such as an Excel-readable file (e.g., .XLS or .CSV files), with data dictionaries and/or internal documentation describing the fields/outputs containing the following: applicant, offer, gender, and race data for COLLEGE RECRUITS during the RELEVANT TIME PERIOD. Data should include all data contained in Oracle's iRecruitment system, Taleo system, or other system, such as data from (1) the "Candidate Details" window and all tabs shown on that window (i.e., including "Candidate

Profile," "Qualifications," "Resumes and Documents," "Jobs Considered for," "Applications," and "Offers"), (2) the "Vacancies" window and all tabs shown on that window (i.e., "Vacancy Details," "Applicants," and links, such as "Review Resume" and "Application Notes").

77. All LABOR CONDITION APPLICATIONS for the RELEVANT TIME PERIOD, including any LABOR CONDITION APPLICATIONS YOU submitted during the RELEVANT TIME PERIOD or any additional LABOR CONDITION APPLICATIONS YOU used to employ any PERSON during the RELEVANT TIME PERIOD.

78. ADVERSE IMPACT ANALYSES, as required by 41 C.F.R. § 60-3.15A, performed by YOU or any other PERSONS acting or purporting to act on YOUR behalf or at YOUR direction for the RELEVANT TIME PERIOD.

79. Evaluations of each step or component of the selection (i.e., HIRING) process, as described in 41 C.F.R. § 60-3.4(C), for positions in the PT1 job group and/or Product Development line of business for the RELEVANT TIME PERIOD.

80. In-depth analyses of the total employment process, as required in 41 C.F.R. § 60-2.17(b), for positions in the PT1 job group or Product Development, Information Technology, and/or Support lines of business for the RELEVANT TIME PERIOD.

81. All DOCUMENTS RELATING TO training or other instruction YOU provided to any officers, executives, all levels of management, human resources and/or PERSONNEL department(s) or division(s), and/or any other employee or PERSON acting or purporting to act on YOUR behalf or at YOUR direction, involved in HIRING and/or determining COMPENSATION that relates to YOUR Affirmative Action Program (AAP) or laws or policies prohibiting discrimination on the basis of gender or race during the RELEVANT TIME PERIOD.

82. DOCUMENTS sufficient to show the eligibility requirements for any employment benefits offered to employees in the PT1 job group or Product Development, Information Technology, and/or Support lines of business during the RELEVANT TIME PERIOD, including but not limited to the following benefits: life insurance; retirement; vacation pay; sick pay; 401(k) profit sharing or retirement plans; stock options; DOCUMENTS governing any health, dental, vision, disability, or other welfare plan; DOCUMENTS governing any sick, vacation, and holiday plans; and summary plan descriptions.

83. Contact information for all current and former employees in the PT1 job group and Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD, including: full name, home address, home phone number, mobile phone number, and home/personal email address.

84. All DOCUMENTS RELATING TO any statistical analyses that YOU rely upon to deny any of the allegations in the AMENDED COMPLAINT, including all results, assumptions, variables, and analyses upon which YOU rely, and the computer code and formulas underlying the analyses.

85. For any and all analyses YOU provide in response to Request No. 84, provide the entire DATABASE YOU relied upon for each analysis.

86. For each DATABASE provided in response to Request No. 84, produce all written and electronic source DOCUMENTS that YOU relied upon to create and refine the DATABASE, including but not limited to DOCUMENTS relied upon to establish each PERSON's name, gender, race, position, education, work experience, and any other factor YOU included in the DATABASE.

87. All DOCUMENTS RELATING TO validity studies or evaluations that YOU or someone

on YOUR behalf conducted RELATING TO any step or component of the HIRING process for employees in the PT1 job group and Product Development line of business during the RELEVANT TIME PERIOD.

88. All DOCUMENTS RELATING TO validity studies or evaluations that YOU or someone on YOUR behalf conducted RELATING TO any step or component of the COMPENSATION determination process for employees in the Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD.

89. All DOCUMENTS YOU rely upon or reviewed in preparing YOUR ANSWER.

90. All DOCUMENTS that support YOUR "Preliminary Statement" (pages 1-9) set forth in YOUR ANSWER.

91. All DOCUMENTS that support YOUR responses in YOUR ANSWER denying each and every numbered paragraph to the AMENDED COMPLAINT.

92. All DOCUMENTS that YOU plan to introduce as exhibits at the trial in this matter.

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DATED: February 21, 2017

JANET M. HEROLD
Regional Solicitor

IAN ELIASOPH
Counsel for Civil Rights

LAURA C. BREMER
Senior Trial Attorney

NORMAN E. GARCIA
Senior Trial Attorney

MARC A. PILOTIN
Trial Attorney

/s/ Grace A. Kim
GRACE A. KIM, Trial Attorney

Attorneys for OFCCP
Office of the Solicitor
United States Department of Labor
90 7th Street, Suite 3-700
San Francisco, California 94103
Tel: (415) 625-7757
Fax: (415) 625-7772
Email: bremer.laura@dol.gov

CERTIFICATE OF SERVICE

I am a citizen of the United States of America and am over eighteen years of age. I am not a party to the instant action; my business address is 350 S. Figueroa St., Ste. 370, Los Angeles, California, 90071.

On the date indicated below, I served the foregoing **OFCCP'S SECOND SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS TO ORACLE AMERICA, INC.** by electronic mail, by prior written agreement between counsel, to the following:

Connell, Erin M.: econnell@orrick.com

Kaddah, Jacqueline D.: jkaddah@orrick.com

James, Jessica R. L.: jessica.james@orrick.com

Siniscalco, Gary: grsiniscalco@orrick.com

I certify under penalty of perjury that the above is true and correct.

Executed: February 21, 2017

/s/ Grace A. Kim
GRACE A. KIM
Trial Attorney

Office of the Solicitor
U.S. Department of Labor

EXHIBIT 17

EXHIBIT 17

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS, UNITED STATES DEPARTMENT OF LABOR, Plaintiff, v. ORACLE AMERICA, INC., Defendant.	OALJ Case No. 2017-OFC-00006 OFCCP No. R00192699 **DEFENDANT ORACLE AMERICA, INC.'S AMENDED & SUPPLEMENTAL RESPONSES AND OBJECTIONS TO SECOND SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS**

PROPOUNDING PARTY:	Plaintiff OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS, UNITED STATES DEPARTMENT OF LABOR
RESPONDING PARTY:	Defendant ORACLE AMERICA, INC.
SET NO.:	Two

On March 20, 2017, Defendant Oracle America, Inc. ("Oracle") served its Responses ("Initial Responses") to Plaintiff Office of Federal Contract Compliance Programs, United States Department of Labor's ("OFCCP") Second Set of Requests for Production of Documents ("Requests"). Pursuant to Federal Rule of Civil Procedure 26(e)(1), Oracle amends and supplements its Initial Responses as follows:

PRELIMINARY STATEMENT

Oracle has not completed its investigation of the facts related to this case and therefore its responses are of a preliminary nature. Further discovery, investigation, and research may bring to light additional relevant facts that may lead to changes in the responses set forth below. Although these responses are complete to the best of Oracle's knowledge at this time, these responses are given without prejudice to Oracle's right to amend its objections and responses or to produce additional relevant evidence that may come to light regarding the issues raised in this

lawsuit. Nothing contained in these responses shall in any way limit Oracle's ability to make all uses at trial or otherwise of the information or documents referenced herein or of any subsequently discovered information or documents or of information or documents omitted from these responses as a result of good faith oversight, error, or mistake.

Oracle has participated in seven good faith meet and confer calls with OFCCP spanning over fifteen hours as well as an exchange of several meet and confer letters since May 18, 2017. As a result of the aforementioned meet and confer efforts, Oracle has gained insights and clarifications that merit amending and supplementing its responses as set forth herein.

For the reasons set forth in Oracle's Answer, Oracle's responses and productions responsive to the Requests related to OFCCP's recruiting and hiring claims are limited to Product Development positions in the Professional Technical 1, Individual Contributor ("PT1") job group at Oracle's Redwood Shores, CA, location, and responses and productions responsive to the document requests related to OFCCP's compensation claims are limited to positions in the Product Development, Support, and Information Technology job functions at Oracle's Redwood Shores, CA, location.

In its Notice of Violation ("NOV") dated March 11, 2016, OFCCP expressly stated that its investigation and findings related to hiring and recruiting for "Professional Technical 1, Individual Contributor ('PT1') roles" at Oracle's Redwood Shores, CA, location. However, in its Amended Complaint, which is based on that same NOV, OFCCP stated that its hiring and recruiting claims apply to "positions in the [PT1] job group *and Product Development line of business* (or job function at Oracle Redwood Shores)." Amended Complaint ¶ 10 (emphasis added). Oracle has taken the position that OFCCP's Amended Complaint thereby limited the relevant job positions for the purposes of OFCCP's hiring and recruiting claims to Product Development positions within the PT1 job group at Oracle's Redwood Shores, CA, location. OFCCP contends—despite the narrower focus of its NOV—that its hiring and recruiting claims now extend to both PT1 positions and to all positions in Product Development generally. In the

spirit of compromise and in the interest of interpreting OFCCP's Amended Complaint in accordance with the NOV upon which it is based, Oracle's responses and productions responsive to the document requests related to OFCCP's recruiting and hiring claims are limited to the PT1 job group at Oracle's Redwood Shores, CA, location. For the reasons set forth in Oracle's Answer, Oracle's responses and productions responsive to the document requests related to OFCCP's compensation claims are limited to positions in the Product Development, Support, and Information Technology job functions at Oracle's Redwood Shores, CA, location.

While Oracle maintains its objection that its production should be limited to responsive documents from the period of January 1, 2013 through June 30, 2014 for Requests related to OFFCP's hiring claims, and January 1, 2013 through December 31, 2014 for Requests related to OFCCP's compensation claims, Oracle acknowledges that, as of this date, the issue of the relevant time period is currently pending before Judge Larsen, and that Judge Larsen's decision regarding the relevant time period at issue in the Amended Complaint ("ALJ Relevant Period") will govern its discovery obligations.

To the extent that OFCCP's requests seek "all documents," and "all communications" related to a broadly-defined topic, category, or custodian, it is well-established that requests of this type are inherently overbroad. "Rule 34(b) requires the requesting party to describe the items to be produced with 'reasonable particularity.'" *Life Alert Emergency Response, Inc. v. Connect America.com LLC*, No. CV-13-3455, 2015 WL 12765465, at *7 (C.D. Cal. Jan. 23, 2015). "Sweeping requests for 'all documents' that may encompass swaths of both relevant and irrelevant documents do not satisfy Rule 34's 'reasonable particularity' standard." *Id.* (citations omitted); *see also Regan-Touhy v. Walgreen Co.*, 526 F.3d 641, 649 (10th Cir. 2008) (quoting Manual for Complex Litigation for the proposition that courts should "forbid sweeping requests" and "direct counsel to frame requests for production of the fewest documents possible"); Similarly, "all-encompassing requests for 'all communications' between [defendants] are overbroad." *Life Alert*, 2015 WL 12765465, at *7; *see also Regan-Touhy*, 526 F.3d at 649

("[T]he burdens and costs associated with electronic discovery, such as those seeking 'all email,' are by now well known, and district courts are properly encouraged to weigh the expected benefits and burdens posed by particular discovery requests.").

The burden of justifying such broad requests falls on OFCCP, which, over the course of repeated meet and confer conversations, has failed to explain how many of these requests are reasonably framed to obtain relevant documents and do not place obligations on Oracle that are disproportionate to the needs of the case. *See Gilead Sciences, Inc. v. Merck & Co.*, No. 5:13-cv-04057, 2016 WL 146574, at *1 (N.D. Cal. Jan. 13, 2016) ("a party seeking discovery of relevant, non-privileged information must show, before anything else, that the discovery sought is proportional to the needs of the case"). OFCCP's failure to tailor many of its requests or specify the documents it hopes to obtain is especially glaring in light of OFCCPs' NOV, which explains that OFCCP previously obtained and "reviewed employment policies, practices, and records; interviewed management, human resources, and non-management employees; examined employee complaints; analyzed individual employee compensation data and other evidence; [] conducted an onsite inspection of the worksite[;]" and reviewed and analyzed Oracle's own "hiring data and appropriate workforce availability statistics" as part of its 18-month compliance review. NOV at 2-5. During those 18 months, OFCCP also had access to personnel records and relied on these records in making its discrimination findings. Accordingly, by OFCCP's affirmative admissions, it has already collected massive amounts of material, including many of the records it now seeks here, from Oracle—material that OFCCP found adequate to support its findings in the NOV and its Amended Complaint in this action. And while OFCCP has identified certain materials that Oracle allegedly refused to provide during the compliance review process, OFCCP's multiple burdensome requests for "all documents" and "all communications" related to a broad array of subjects extend well beyond the materials identified in the NOV and Amended Complaint. For these reasons, Oracle maintains below many of the objections that it raised in its Initial Requests on the basis of undue burden, overbreadth, and disproportionality.

These responses are made solely for purposes of this action, and are subject to all objections as to competence, authenticity, relevance, materiality, propriety, admissibility, and any and all other objections and grounds that would or could require or permit the exclusion of any document or statement therein from evidence, all of which objections and grounds are reserved and may be interposed at the time of trial.

No incidental or implied admissions are intended by these responses. The fact that Oracle has responded or objected to any request or part thereof shall not be deemed an admission that Oracle accepts or admits the existence of any facts set forth or assumed by such request. Nor shall Oracle's responses or objections be deemed an admission that any statement or characterization in any request is accurate or complete, or that any particular document exists, is relevant, or is admissible in evidence.

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OBJECTIONS TO SPECIFIC DEFINITIONS

DEFINITION NO. 1. "YOU" and "YOUR" mean Oracle America, Inc. and all of its agents, representatives, attorneys, consultants, successors, subsidiaries, or divisions.

OBJECTION TO DEFINITION NO. 1:

Due to OFCCP's lack of clarification or limitation of this term, Oracle objects to the OFCCP's definitions of "YOU" and "YOUR" as vague, ambiguous, overbroad, unduly burdensome and oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case, to the extent that these terms include Oracle's agents, representatives, attorneys, consultants, successors, subsidiaries, or divisions. Oracle further objects to this definition to the extent it includes information protected by attorney-client privilege, the attorney work product doctrine, or calls for a legal conclusion as to the relationship between Oracle and other entities, including agents. Oracle further objects to this definition to the extent it seeks documents that are not relevant to the discriminatory conduct allegedly engaged in at Oracle's Redwood Shores, CA, location. Accordingly, and in light of OFCCP's Instruction No. 1, which provides "Unless otherwise stated, these requests relate to Oracle's POLICIES, PRACTICES, or PROCEDURES that apply at its headquarters located at Redwood Shores, California", Oracle's responses, objections, and productions are limited to documents "relate[d] to Oracle's POLICIES, PRACTICES, or PROCEDURES that apply at its headquarters located at Redwood Shores, California."

DEFINITION NO. 2. "RELEVANT TIME PERIOD" means January 1, 2013 to the present unless otherwise stated.

OBJECTION TO DEFINITION NO. 2:

Oracle objects to this definition as including the term "present," which renders the phrase vague, ambiguous, overbroad, unduly burdensome and oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. As noted above, Oracle maintains that its responses, objections and productions should be limited to the

relevant periods of January 1, 2013 through June 30, 2014 for Requests related to OFCCP's hiring claims and January 1, 2013 through December 31, 2014 for Requests related to OFCCP's compensation claims. Nevertheless, while preserving and maintaining its objections, Oracle will act in compliance with Judge Larsen's applicable ruling on the relevant period.

DEFINITION NO. 3. "AFFINITY GROUP" means any group of people linked by a common interest or purpose and includes, but is not limited to, gender or race.

OBJECTION TO DEFINITION NO. 3:

Due to OFCCP's lack of clarification or limitation of this term, Oracle maintains its objection to this definition as including the phrases "any group," "linked," and "common interest or purpose," which render the definition vague, ambiguous, overbroad, unduly burdensome and oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this definition to the extent it seeks documents that are not relevant to the OFCCP's allegations pertaining to Oracle's Redwood Shores, CA, location.

DEFINITION NO. 4. "AMENDED COMPLAINT" means the pleading filed by OFCCP in this action on January 25, 2017.

DEFINITION NO. 5. "And" and "or" shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive.

DEFINITION NO. 6. "ANSWER" means the Answer to the AMENDED COMPLAINT filed by YOU in this action on February 8, 2017.

DEFINITION NO. 7. "COLLEGE RECRUIT" means any PERSON who expresses interest or applies to YOU through YOUR college recruiting program (including undergraduate students, graduate students, and recent graduates) for technical positions (as opposed to sales positions), including positions in the Professional Technical I, Individual Contributor job group or Product Development, Support, or Information Technology lines of business.

OBJECTION TO DEFINITION NO. 7:

Due to OFCCP's lack of clarification or limitation of this term, Oracle maintains its objection to this definition as including the term "PERSON" and the phrases "expresses interest," "college recruiting program," and "technical positions," which render the definition vague, ambiguous, overbroad, unduly burdensome and oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this definition to the extent it seeks documents that are not relevant to the discriminatory conduct allegedly engaged in at Oracle's Redwood Shores, CA location.

DEFINITION NO. 8. "COMMUNICATIONS" means all transactions or transfers of information of any kind, whether orally, in writing, or in any other manner, at any time or place, under any circumstances whatsoever.

OBJECTION TO DEFINITION NO. 8:

Due to OFCCP's lack of clarification or limitation of this term, Oracle maintains its objection to this definition as including the phrase "all transactions or transfers" and the term "orally," which render the definition vague, ambiguous, overbroad, unduly burdensome and oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this definition to the extent it seeks documents that are not relevant to the discriminatory conduct allegedly engaged in at Oracle's Redwood Shores, CA, location. Oracle's responses, objections and production are limited to existing written or electronically stored information in the custody, control, and possession of Oracle America, Inc. and related to its Redwood Shores, CA, location.

DEFINITION NO. 9. "COMPENSATION" means any payments made to, or on behalf of, an employee as remuneration for employment, including but not limited to salary, wages, overtime pay, shift differentials, commissions, bonuses, vacation and holiday pay, retirement and other benefits, stock options and awards, and profit sharing.

OBJECTION TO DEFINITION NO. 9:

Due to OFCCP's lack of clarification or limitation of this term, Oracle maintains its objection to this definition as including the phrase "remuneration for employment," which renders the definition vague, ambiguous, overbroad, unduly burdensome and oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this definition to the extent it seeks documents that are not relevant to the discriminatory conduct allegedly engaged in at Oracle's Redwood Shores, CA, location. Oracle's responses, objections and production are limited to documents in the custody, control, and possession of Oracle America, Inc. and related to its Redwood Shores, CA, location.

DEFINITION NO. 10. "DATABASE" means any file or collection of information in fielded format that exists in computer-readable form.

OBJECTION TO DEFINITION NO. 10:

Due to OFCCP's lack of clarification or limitation of this term, Oracle objects to this definition as including the phrases "file or collection of information," "fielded format," and "exists in computer-readable form" which render the definition unintelligible, vague, ambiguous, overbroad, unduly burdensome and oppressive, and encompassing information that is neither relevant to any party's claim or defense nor proportional to the needs of the case. Furthermore, the definition is inconsistent with any commonly understood meaning of the term "database." Oracle further objects to this definition to the extent it calls for the production of information that is not relevant to the discriminatory conduct allegedly engaged in at Oracle's Redwood Shores, CA, location during any relevant time frame. Oracle's responses, objections, and production are limited to information related the relevant time periods outlined in the Preliminary Statement above.

DEFINITION NO. 11. "DOCUMENT" means all writings of any kind, including any written, printed, typed, electronically stored, or other graphic matter of any kind or nature and all

mechanical or electronic sound recordings or transcripts thereof, in YOUR possession and/or control or known by YOU to exist, and also means all copies of documents by whatever means made, including, but not limited to: papers, letters, correspondence, emails, text messages, presentations, manuals, computerized files, computerized spreadsheets, telegrams, interoffice communications, memoranda, notes, notations, notebooks, reports, records, accounting books or records, schedules, tables, charts, transcripts, publications, scrapbooks, diaries, and any drafts, revisions, or amendments of the above, and all other materials enumerated in the definition provided in Rule 34 of the Federal Rules of Civil Procedure.

OBJECTION TO DEFINITION NO. 11:

Oracle maintains its objection to this definition as including the phrase "or known by YOU to exist," which, to the extent such documents are not in Oracle's possession, custody, or control, encompasses documents beyond those that Oracle has any obligation to produce.

DEFINITION NO. 12. "EXPERIENCED RECRUIT" means a PERSON who expresses interest or applies to YOU through the requisition process for technical (as opposed to sales) positions, including positions in the Professional Technical I, Individual Contributor job group or Product Development, Support, or Information Technology lines of business, and who is not already employed by YOU.

OBJECTION TO DEFINITION NO. 12:

Due to OFCCP's lack of clarification or limitation, Oracle maintains its objection to this definition as including the term "PERSON" and the phrases "expresses interest," "requisition process," and "technical," which render the definition vague, ambiguous, overbroad, unduly burdensome and oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this definition to the extent it seeks documents that are not relevant to the discriminatory conduct allegedly engaged in at Oracle's Redwood Shores, CA, location. Oracle's responses, objections, and production are limited to responsive documents related to the PT1 job group at its Redwood Shores, CA,

location for the ALJ Relevant Period.

DEFINITION NO. 13. "GOVERNMENT CONTRACT" means a contract as defined in 41 C.F.R. § 60-1.3.

DEFINITION NO. 14. "HIRING" or "HIRE" mean receiving expressions of interest, soliciting, recruiting, communicating with, screening, interviewing, evaluating, determining starting salary and other COMPENSATION for, and/or extending offers to, PERSONS who express interest in a position with YOU or requisition posted by YOU.

OBJECTION TO DEFINITION NO. 14:

Due to OFCCP's lack of clarification of limitation, Oracle maintains its objection to this definition as unintelligible in its entirety. Oracle further objects to this definition as including the term "PERSON" and the phrases "expressions of interest," "communicating with," and "express interest," which render the definition vague, ambiguous, overbroad, unduly burdensome and oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Furthermore, the definition is objectionable insofar as it refers to multiple processes, is compound, and is wholly inconsistent with the commonly understood definition of the terms "hiring" or "hire." Oracle further objects to this definition to the extent it seeks documents that are not relevant to the discriminatory conduct allegedly engaged in at Oracle's Redwood Shores, CA, location. Oracle interprets this definition using the commonly understood use of the word "hiring" or "hire" and its responses, objections, and production are limited to responsive documents related to the PT1 job group at its Redwood Shores, CA, location for the ALJ Relevant Period.

DEFINITION NO. 15. "LABOR CONDITION APPLICATIONS" means a Labor Condition Application for H-1B Nonimmigrants provided by the United States Department of Labor, Employment and Training Administration.

OBJECTION TO DEFINITION NO. 15:

Due to OFCCP's lack of clarification or limitation, Oracle maintains its objection to this

definition as vague, ambiguous, overbroad, unduly burdensome and oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this definition to the extent it encompasses documents that are not relevant to the discriminatory conduct allegedly engaged in at Oracle's Redwood Shores, CA, location. Oracle further objects to this request as calling for a legal conclusion and on the ground that it requires Oracle to conduct its own investigation into the definition and reference external material(s) to define the term.

DEFINITION NO. 16. "OFCCP" means the Office of Federal Contract Compliance Programs, United States Department of Labor.

DEFINITION NO. 17. "ORGANIZATIONAL CHART" means a graphic or written representation of the structure of YOUR business or any portion of YOUR business, which shows the relationships of the positions or jobs (including but not limited to reporting relationships) within each line of business, job function, or any other division or group as YOU have defined them in the normal course of YOUR business operations.

OBJECTION TO DEFINITION NO. 17:

Due to OFCCP's lack of clarification or limitation, Oracle objects to this definition as including the terms "structure," "relationship," and "each," which render the definition vague, ambiguous, overbroad, unduly burdensome and oppressive. Oracle further objects to this definition to the extent it seeks documents that are not relevant to the discriminatory conduct allegedly engaged in at Oracle's Redwood Shores, CA, location. Oracle's responses, objections and production are limited to responsive documents related to the Product Development, Support, and Information Technology job functions at its Redwood Shores, CA, location.

DEFINITION NO. 18. "PERSON" means without limitation individuals, firms, associations, partnerships, corporations, governmental agencies or offices and employees, and any other entity.

BJECTION TO DEFINITION NO. 18 (WITHDRAWN):

Based on OFCCP's clarifications during the meet and confer process, Oracle withdraws its prior objections to Definition No. 18.

EFINITION NO. 19. "PERSONNEL" means information relating to YOUR current, former, or prospective employees.

BJECTION TO DEFINITION NO. 19 (WITHDRAWN):

Based on OFCCP's clarifications during the meet and confer process, Oracle withdraws its prior objections to Definition No. 19.

DEFINITION NO. 20. "PERSONNEL FILE" means any data, file (including electronic files), collection of DOCUMENTS and COMMUNICATIONS, or other form in which information is stored or maintained by YOU or any of YOUR officers, executives, all levels of management, human resources department(s) or division(s), and/or any other employee or PERSON acting or purporting to act on YOUR behalf or at YOUR direction, concerning the employment of a particular employee, whether current, former, or prospective.

OBJECTION TO DEFINITION NO. 20:

Due to OFCCP's lack of clarification or limitation, Oracle maintains its objection to this definition as including the term "PERSON" and the phrases "other form," "information is stored or maintained," "all levels of management," "purporting to act," "concerning the employment," and "current, former, or prospective [employee]," which render the definition vague, ambiguous, overbroad, unduly burdensome and oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Furthermore, the definition calls for all information "concerning the employment of a particular employee" irrespective of whether it is part of a personnel file and is therefore objectionable as being wholly inconsistent with any ordinarily understood meaning of the term. The definition is unintelligible, especially to the extent it refers to "a particular employee" even if the person is not employed and so necessarily has no "personnel file." Oracle further objects to this definition to the extent it seeks

documents that are not relevant to the discriminatory conduct allegedly engaged in at Oracle's Redwood Shores, CA, location. Oracle further objects to this definition on the grounds that it seeks confidential information that relates to and invades the privacy rights of individuals who are not a party to this action. Oracle further objects to this definition to the extent it seeks confidential, trade secret and/or proprietary business information.

DEFINITION NO. 21. "POLICIES," "PRACTICES," or "PROCEDURES" means each rule, action, or directive, whether formal or informal, and each common understanding or course of conduct that was recognized as such by YOUR present or former officers, agents, employees, or other PERSONS acting or purporting to act on YOUR behalf or at YOUR direction, that was in effect at any time during the RELEVANT TIME PERIOD. These terms include any changes that occurred during the RELEVANT TIME PERIOD.

OBJECTION TO DEFINITION NO. 21:

Due to OFCCP's lack of clarification or limitation, Oracle maintains its objection to this definition as including the phrases "common understanding," "purporting to act," and "course of conduct," which render the definition vague and ambiguous. Oracle further objects to this definition as overbroad, unduly burdensome and oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this definition to the extent it seeks documents that are not relevant to the discriminatory conduct allegedly engaged in at Oracle's Redwood Shores, CA, location within the Product Development, Support and Information Technology job functions. Accordingly, and in light of OFCCP's Instruction No. 1, which provides "Unless otherwise stated, these requests relate to Oracle's POLICIES, PRACTICES, or PROCEDURES that apply at its headquarters located at Redwood Shores, California" Oracle's responses, objections, and production are limited to documents "relate[d] to Oracle's POLICIES, PRACTICES, or PROCEDURES that apply at its headquarters located at Redwood Shores, California" and which pertain to the Product Development, Support and Information Technology job functions. /

DEFINITION NO. 22. "PROMOTION" means a change in an employee's job title, salary code, grade, or other ranking which results in an increase in COMPENSATION, responsibility, and/or other benefit.

OBJECTION TO DEFINITION NO. 22:

Due to OFCCP's lack of clarification or limitation, Oracle maintains its objection to this definition as including the terms "change," "salary code," "grade," other ranking," "increase," "responsibility," and "other benefit," which render the definition vague, ambiguous, compound, overbroad, unduly burdensome and oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this definition to the extent it seeks documents that are not relevant to the discriminatory conduct allegedly engaged in at Oracle's Redwood Shores, CA, location.

DEFINITION NO. 23. "RELATING TO" means constituting, memorializing, evidencing, containing, showing, supporting, contradicting, summarizing, pertaining to, or referring to, whether directly or indirectly, the subject of the particular request.

DEFINITION NO. 24. "TRANSFER EMPLOYEE" means an individual previously employed by YOU (i.e., a rehire) or at the time of hire was employed by YOU (at YOUR headquarters or at any of YOUR other locations) or by a corporate affiliate of YOU (such as Oracle India Pvt. Ltd.).

OBJECTION TO DEFINITION NO. 24:

Oracle objects to this definition as including the phrases "previously employed," "rehire," "hire," "any of YOUR other locations," and "corporate affiliate," which render the definition vague, ambiguous, overbroad, unduly burdensome, compound, and oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Furthermore, the definition is unintelligible to the extent it purports to include former employees within the definition of "transfer employees." It is also inconsistent with the definition of the word "hire" provided herein and Oracle's understanding of the term "hire".

Oracle objects to the extent the definition calls for a legal conclusion. Oracle further objects to this definition to the extent it seeks documents that are not relevant to the discriminatory conduct allegedly engaged in at Oracle's Redwood Shores, CA, location.

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RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 30:

DOCUMENTS, including but not limited to ORGANIZATIONAL CHARTS or lists, sufficient to identify any and all PERSON(S), by name and job title, with authority to affect an EXPERIENCED RECRUIT's disposition or HIRING, including PERSONS participating in job fairs, evaluating or screening expressions of interest, resumes and other application DOCUMENTS, interviewing applicants, making recommendations whether to hire applicants, and approving hires during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 30:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Due to OFCCP's lack of clarification or limitation, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the phrases "authority to affect," "participating in job fairs," "evaluating," "screening," "expressions of interest," "making recommendations," and "approving hires." Oracle further objects to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

Subject to and without waiving these objections, Oracle responds:

Oracle will, after conducting a reasonably diligent search, produce responsive, non-privileged documents in its possession, custody, or control with sufficient information to identify those responsible for experienced recruiting for the PT1 job group at Oracle's Redwood Shores, CA, location during the ALJ Relevant Period.

REQUEST FOR PRODUCTION NO. 31:

DOCUMENTS, including but not limited to ORGANIZATIONAL CHARTS or lists, sufficient to identify any and all PERSON(S), by name and job title, with authority to affect a TRANSFER EMPLOYEE's disposition or HIRING, including PERSONS evaluating or screening expressions of interest, resumes and other application DOCUMENTS, interviewing

applicants, making recommendations whether to hire applicants, and approving hires for technical positions, including positions in the PT1 job group or Product Development line of business during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 31:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Due to OFCCP's lack of clarification or limitation, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the terms and phrases "authority to affect," "disposition," "evaluating," "screening," "expressions of interest," "making recommendations," and "approving hires." Oracle further objects to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

In its Initial Responses and during the meet and confer, Oracle objected to this request to the extent that it relates to TRANSFER EMPLOYEES on the grounds that such employees are not treated as new hires and thus not relevant to OFCCP's hiring claims. However, as set forth in separate meet and confer correspondence dated June 9, 2017, after conducting a reasonably diligent search, Oracle determined that international transfer employees are treated as new hires in a number of ways, including many aspects of the job application process as well as certain reporting and internal recordkeeping purposes. Accordingly, Oracle agreed to modify its responses to reflect this information.

Subject to this understanding and without waiving its objections, Oracle responds:

Oracle will, after conducting a reasonably diligent search, produce responsive, non-privileged documents in its possession, custody, or control with sufficient information to identify those responsible for international transfer employees for the PT1 job group at Oracle's Redwood Shores, CA, location during the ALJ Relevant Period. .

REQUEST FOR PRODUCTION NO. 32:

DOCUMENTS, including but not limited to ORGANIZATIONAL CHARTS or lists, sufficient

to identify the structure of, and any and all PERSON(S) (by name and job title) within, YOUR human resources and/or PERSONNEL department(s) during the RELEVANT TIME PERIOD, including but not limited to: the job positions that existed within the human resources and/or PERSONNEL department(s); the PERSONS who held those positions; and the reporting relationships between each individual and job position.

RESPONSE TO REQUEST FOR PRODUCTION NO. 32:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the phrase "reporting relationship." Oracle further objects to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

Subject to and without waiving these objections, Oracle responds:

Oracle will, after conducting a reasonably diligent search, produce responsive, non-privileged documents in its possession, custody, or control with sufficient information to identify individuals in its Human Resources department with responsibilities related to its Support, Product Development and Information Technology job functions for the ALJ Relevant Period.

REQUEST FOR PRODUCTION NO. 33:

For each job position listed in the ORGANIZATIONAL CHARTS or lists identified in response to Request No. 32, produce all DOCUMENTS RELATING TO, or containing, a description of the specific functions, responsibilities, and tasks assigned and job duties to be performed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 33:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the terms and phrases "specific functions," "responsibilities," tasks assigned," and "job duties." Oracle further objects to this request as overbroad in scope, unduly

burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

During its meet and confer conversation with OFCCP on May 25, 2017, Oracle explained its overbreadth and relevance objections to this request; Oracle objected that the request as initially drafted encompasses any and all documents "related to" the duties of any job that appears on the documents produced in response to Request for Production No. 32. This could encompass thousands of potentially responsive documents. OFCCP explained that its goal with this request was to obtain a better understanding of the roles and responsibilities of the individuals working in Oracle's Human Resources department and agreed to modify the request to better meet this objective. In its letter dated June 28, 2017, OFCCP modified its response by replacing "description of specific functions, responsibilities, and tasks assigned and job duties to be performed" with "roles and responsibilities." Oracle continues to object to this request as modified on the grounds that production of "all documents relating to" the roles and responsibilities of any job positions appearing on documents responsive to Request for Production No. 32 is overbroad and disproportionately burdensome.

However, subject to and without waiving these objections, Oracle responds:

Consistent with its understanding of OFCCP's stated objectives during the meet and confer process, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents sufficient to identify the roles and responsibilities of individuals in its Human Resources department with responsibilities related to its Support, Product Development and Information Technology job functions for the ALJ Relevant Period.

REQUEST FOR PRODUCTION NO. 34:

All DOCUMENTS and COMMUNICATIONS RELATING TO YOUR POLICIES, PRACTICES, or PROCEDURES for HIRING EXPERIENCED RECRUITS during the RELEVANT TIME PERIOD, including but not limited to all DOCUMENTS and

COMMUNICATIONS RELATING TO any criteria that YOU used to evaluate EXPERIENCED RECRUITS at any stage (i.e., screening, interview, post-interview, etc.) of the application process.

RESPONSE TO REQUEST FOR PRODUCTION NO. 34:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

Subject to and without waiving these objections, Oracle responds:

Oracle will produce responsive, non-privileged documents in its possession, custody, or control for the PT1 job group at Oracle's Redwood Shores, CA, location during the ALJ Relevant Period.

REQUEST FOR PRODUCTION NO. 35:

All DOCUMENTS and COMMUNICATIONS RELATING TO YOUR POLICIES, PRACTICES, or PROCEDURES for HIRING TRANSFER EMPLOYEES during the RELEVANT TIME PERIOD, including but not limited to all DOCUMENTS and COMMUNICATIONS RELATING TO any criteria that YOU used to evaluate TRANSFER EMPLOYEES at any stage (i.e., screening, interview, post-interview, etc.) of the application process.

RESPONSE TO REQUEST FOR PRODUCTION NO. 35:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the terms and phrases "any criteria," "evaluate," "any stage," and "application process." Oracle further objects to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor

proportional to the needs of the case.

In its Initial Responses and during the meet and confer, Oracle objected to this request to the extent that it relates to TRANSFER EMPLOYEES on the grounds that such employees are not treated as new hires and thus not relevant to OFCCP's hiring claims. However, as set forth in separate meet and confer correspondence dated June 9, 2017, after conducting a reasonably diligent search, Oracle determined that international transfer employees are treated as new hires in a number of ways, including many aspects of the job application process as well as certain reporting and internal recordkeeping purposes. Accordingly, Oracle agreed to modify its responses to reflect this information.

Subject to this understanding and without waiving its objections, Oracle responds:

Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged policies, practices, or procedures for hiring international transfer employees in its possession, custody, or control for the PT1 job group at Oracle's Redwood Shores, CA, location during the ALJ Relevant Period.

REQUEST FOR PRODUCTION NO. 36:

All DOCUMENTS and COMMUNICATIONS RELATING TO YOUR POLICIES, PRACTICES, or PROCEDURES for HIRING international TRANSFER EMPLOYEES during the RELEVANT TIME PERIOD, including but not limited to all DOCUMENTS and COMMUNICATIONS RELATING TO any criteria that YOU used to evaluate international TRANSFER EMPLOYEES at any stage (i.e., screening, interview, post-interview) of the application process.

RESPONSE TO REQUEST FOR PRODUCTION NO. 36:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the terms and phrases "international," "any criteria," "evaluate," "any stage," and "application process." Oracle further objects to this request as overbroad in scope, unduly

burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

In its Initial Responses and during the meet and confer, Oracle objected to this request to the extent that it relates to TRANSFER EMPLOYEES on the grounds that such employees are not treated as new hires and thus not relevant to OFCCP's hiring claims. However, as set forth in separate meet and confer correspondence dated June 9, 2017, after conducting a reasonably diligent search, Oracle determined that international transfer employees are treated as new hires in a number of ways, including many aspects of the job application process as well as certain reporting and internal recordkeeping purposes. Accordingly, Oracle agreed to modify its responses to reflect this information.

Subject to this understanding and without waiving its objections, Oracle responds:

Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged policies, practices, or procedures for hiring international transfer employees in its possession, custody, or control for the PT1 job group at Oracle's Redwood Shores, CA, location during the ALJ Relevant Period.

REQUEST FOR PRODUCTION NO. 37:

All DOCUMENTS and COMMUNICATIONS RELATING TO events YOU were involved with (including but not limited to events YOU held, sponsored, attended, or sent materials [whether or not YOU attended], such as recruiting fairs, job fairs, events for AFFINITY GROUPS) RELATING TO HIRING EXPERIENCED RECRUITS during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 37:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

However, subject to and without waiving these objections, Oracle responds:

Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody, or control for the PT1 job group at Oracle's Redwood Shores, CA, location during the ALJ Relevant Period.

REQUEST FOR PRODUCTION NO. 38:

All DOCUMENTS and COMMUNICATIONS RELATING TO events YOU were involved with (including but not limited to events YOU held, sponsored or attended, such as internal job fairs, events for AFFINITY GROUPS) RELATING TO HIRING TRANSFER EMPLOYEES for any technical positions, including all PT1 job group positions and all positions within the Product Development line of business during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 38:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the terms and phrases "events," "involved with," "any technical positions," "job group positions," and "line of business." Oracle further objects to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

In its Initial Responses and during the meet and confer, Oracle objected to this request to the extent that it relates to TRANSFER EMPLOYEES on the grounds that such employees are not treated as new hires and thus not relevant to OFCCP's hiring claims. However, as set forth in separate meet and confer correspondence dated June 9, 2017, after conducting a reasonably diligent search, Oracle determined that international transfer employees are treated as new hires in a number of ways, including many aspects of the job application process as well as certain reporting and internal recordkeeping purposes. Accordingly, Oracle agreed to modify its

responses to reflect this information.

Subject to this understanding and without waiving its objections, Oracle responds:

During its meet and confer call with OFCCP on May 25, 2017, Oracle explained that—setting aside the validity of any objections as to the issue of transfer employees—there are no unique documents in response to this request that would not also be responsive to OFCCP Request for Production No. 37, to which Oracle has agreed to produce responsive, non-privileged documents as set forth above. Accordingly, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody, or control for the PT1 job group at Oracle's Redwood Shores, CA, location during the ALJ Relevant Period.

REQUEST FOR PRODUCTION NO. 39:

All DOCUMENTS and COMMUNICATIONS exchanged between YOU and any recruiter (internal or external) RELATING TO HIRING EXPERIENCED RECRUITS during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 39:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Due to OFFCP's lack of clarification or limitation during the meet and confer process, Oracle maintains its objection to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

As explained during its meet and confer conversation with OFCCP on May 25, 2017, Oracle continues to object to the lack of any reasonable limitations on this request. As written, the request encompasses all communications within Oracle related to experienced recruiting, regardless of the particular job position or department, and thus extends to a potentially huge number of non-relevant documents. Oracle objects to the incredible burden associated with searching for and reviewing all of the many thousands of documents and emails that are

potentially related to this request, a burden that will only magnify now that Judge Larsen's forthcoming ruling on the relevant period has the potential to dramatically increase the pool of documents for Oracle's search and review process. Moreover, the Amended Complaint makes clear that OFCCP's findings of discrimination are based upon statistical analyses it claims to have conducted based on applicant, hire and compensation data submitted by Oracle in the compliance review. OFCCP has not demonstrated the documents and emails sought in this request are relevant to those claims, let alone shown the documents and emails are more relevant, and not cumulative and duplicative of, the massive amounts of material OFCCP already gathered from Oracle in the underlying compliance review. *See* Fed. R. Civ. P. 26(b)(2)(C) (providing that discovery should be limited to the extent that it is "unreasonably cumulative or duplicative, or can be obtained from some other source that is more convenient, less burdensome or less expensive").

Although it objects to this request for the reasons stated above, Oracle is willing to continue the meet and confer process with OFCCP to determine how to respond to this request in a manner that is consistent with and proportionate to the needs of the case, including but not limited to Oracle potentially producing responsive documents from a reasonably limited sample period of time and a reasonably limited number of affected persons within the ALJ Relevant Period.

REQUEST FOR PRODUCTION NO. 40:

All DOCUMENTS and COMMUNICATIONS exchanged between YOU and any recruiter (internal or external) RELATING TO HIRING TRANSFER EMPLOYEES during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 40:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is overbroad in scope, unduly burdensome, oppressive, and

encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Similar to its objection to Request for Production No. 39, Oracle objects to the lack of any reasonable limitations on this request. As written, the request encompasses all communications within Oracle related to the hiring of transfer employees, regardless of the particular job position or department and thus extends to a potentially huge number of non-relevant documents.

In its Initial Responses and during the meet and confer, Oracle objected to this request to the extent that it relates to TRANSFER EMPLOYEES on the grounds that such employees are not treated as new hires and thus not relevant to OFCCP's hiring claims. However, as set forth in separate meet and confer correspondence dated June 9, 2017, after conducting a reasonably diligent search, Oracle determined that international transfer employees are treated as new hires in a number of ways, including many aspects of the job application process as well as certain reporting and internal recordkeeping purposes. Accordingly, Oracle agreed to modify its responses to reflect this information.

Nevertheless, with regard to this particular request, Oracle objects to the incredible burden associated with searching for and reviewing all of the many thousands of documents and emails that are potentially related to the request, a burden that will only magnify now that Judge Larsen's forthcoming ruling on the relevant period has the potential to dramatically increase the pool of documents for Oracle's search and review process. Moreover, the Amended Complaint makes clear that OFCCP's findings of discrimination are based upon statistical analyses it claims to have conducted based on applicant, hire and compensation data submitted by Oracle in the compliance review. OFCCP has not demonstrated the documents and emails sought in this request are relevant to those claims, let alone shown the documents and emails are more relevant, and not cumulative and duplicative of, the massive amounts of material OFCCP already gathered from Oracle in the underlying compliance review. *See* Fed. R. Civ. P. 26(b)(2)(C) (providing that discovery should be limited to the extent that it is "unreasonably cumulative or duplicative,

or can be obtained from some other source that is more convenient, less burdensome or less expensive").

Although it objects to this request for the reasons stated above, Oracle is willing to continue the meet and confer process with OFCCP to determine how to respond to this request in a manner that is consistent with and proportionate to the needs of the case, including but not limited to Oracle potentially producing responsive documents from a reasonably limited sample period of time and a reasonably limited number of affected persons within the ALJ Relevant Period.

FOR PRODUCTION NO. 41:

All DOCUMENTS and COMMUNICATIONS RELATING TO POLICIES, PRACTICES, or PROCEDURES (including but not limited to manuals or instructions) for searching external job boards or websites for potential HIRES during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 41:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the terms and phrases "instructions," "manuals," "external job boards," "websites," and "potential." Oracle further objects to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

Subject to and without waiving these objections, Oracle responds:

Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody, or control for the PT1 job group at Oracle's Redwood Shores, CA, location during the ALJ Relevant Period.

REQUEST FOR PRODUCTION NO. 42:

All notes or records of interviews, whether by phone or in-person (including but not limited to memos, emails, and text messages), of EXPERIENCED RECRUITS who were interviewed during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 42:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the terms and phrases "notes or records," "interviews," and "interviewed." Oracle further objects to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

Oracle further objects to the incredible burden associated with searching for and reviewing all of the many thousands of documents and emails that are potentially related to this request, a burden that will only magnify now that Judge Larsen's forthcoming ruling on the relevant period has the potential to dramatically increase the pool of documents for Oracle's search and review process. Moreover, the Amended Complaint makes clear that OFCCP's findings of discrimination are based upon statistical analyses it claims to have conducted based on applicant, hire and compensation data submitted by Oracle in the compliance review. OFCCP has not demonstrated the documents and emails sought in this request are relevant to those claims, let alone shown the documents and emails are more relevant, and not cumulative and duplicative of, the massive amounts of material OFCCP already gathered from Oracle in the underlying compliance review. *See* Fed. R. Civ. P. 26(b)(2)(C) (providing that discovery should be limited to the extent that it is "unreasonably cumulative or duplicative, or can be obtained from some other source that is more convenient, less burdensome or less expensive").

Although it objects to this request for the reasons stated above, Oracle is willing to continue the meet and confer process with OFCCP to determine how to respond to this request in

a manner that is consistent with and proportionate to the needs of the case, including but not limited to Oracle potentially producing responsive documents from a reasonably limited sample period of time and a reasonably limited number of affected persons within the ALJ Relevant Period.

REQUEST FOR PRODUCTION NO. 43:

All notes or records of interviews, whether by phone or in-person (including but not limited to memos, emails, and text messages), of TRANSFER EMPLOYEES who were interviewed for any PT1 job group positions or positions within the Product Development line of business during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 43:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the terms and phrases "notes or records," "interviews," "interviewed," "job group positions," and "line of business." Oracle further objects to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

In its Initial Responses and during the meet and confer, Oracle objected to this request to the extent that it relates to TRANSFER EMPLOYEES on the grounds that such employees are not treated as new hires and thus not relevant to OFCCP's hiring claims. However, as set forth in separate meet and confer correspondence dated June 9, 2017, after conducting a reasonably diligent search, Oracle determined that international transfer employees are treated as new hires in a number of ways, including many aspects of the job application process as well as certain reporting and internal recordkeeping purposes. Accordingly, Oracle agreed to modify its responses to reflect this information.

Notwithstanding this, Oracle further objects to the incredible burden associated with

searching for and reviewing all of the many thousands of documents and emails that are potentially related to this request, a burden that will only magnify now that Judge Larsen's forthcoming ruling on the relevant period has the potential to dramatically increase the pool of documents for Oracle's search and review process. Moreover, the Amended Complaint makes clear that OFCCP's findings of discrimination are based upon statistical analyses it claims to have conducted based on applicant, hire and compensation data submitted by Oracle in the compliance review. OFCCP has not demonstrated the documents and emails sought in this request are relevant to those claims, let alone shown the documents and emails are more relevant, and not cumulative and duplicative of, the massive amounts of material OFCCP already gathered from Oracle in the underlying compliance review. *See* Fed. R. Civ. P. 26(b)(2)(C) (providing that discovery should be limited to the extent that it is "unreasonably cumulative or duplicative, or can be obtained from some other source that is more convenient, less burdensome or less expensive").

Although it objects to this request for the reasons stated above, Oracle is willing to continue the meet and confer process with OFCCP to determine how to respond to this request in a manner that is consistent with and proportionate to the needs of the case, including but not limited to Oracle potentially producing responsive documents from a reasonably limited sample period of time and a reasonably limited number of affected persons within the ALJ Relevant Period.

REQUEST FOR PRODUCTION NO. 44:

All DOCUMENTS and COMMUNICATIONS (including but not limited to memos, emails, and text messages) stating, summarizing, supporting, or explaining YOUR decision or recommendation on a disposition of an expression of interest or application at any point of the HIRING process from an EXPERIENCED RECRUIT during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 44:

Oracle incorporates by reference its Objections to Specific Definitions set forth above.

Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the terms and phrases "stating," "summarizing," "supporting," "explaining," "decision," "recommendation," "disposition," "expression of interest," "application," "any point," and "process." Oracle further objects to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

During its meet and confer with OFCCP on May 30, 2017, Oracle explained that its overbreadth objection to this request is similar to its objection to OFCCP's Request for Production No. 42 with regard to OFCCP's definition of "EXPERIENCED RECRUITS" as Oracle agreed to revisit its responses and objections to this request so long as OFCCP modified it in accordance with Oracle's position. In its letter dated June 28, 2017, OFCCP offered to modify this request "by just limiting it to the PT1 Job Group or the Product Development Line of Business."

Notwithstanding OFCCP's incomplete modification, Oracle maintains its objection to the incredible burden associated with searching for and reviewing all of the many thousands of documents and emails that are potentially related to this request, a burden that will only magnify now that Judge Larsen's forthcoming ruling on the relevant period has the potential to dramatically increase the pool of documents for Oracle's search and review process. Moreover, the Amended Complaint makes clear that OFCCP's findings of discrimination are based upon statistical analyses it claims to have conducted based on applicant, hire and compensation data submitted by Oracle in the compliance review. OFCCP has not demonstrated the documents and emails sought in this request are relevant to those claims, let alone shown the documents and emails are more relevant, and not cumulative and duplicative of, the massive amounts of material OFCCP already gathered from Oracle in the underlying compliance review. *See* Fed. R. Civ. P. 26(b)(2)(C) (providing that discovery should be limited to the extent that it is "unreasonably cumulative or duplicative, or can be obtained from some other source that is more convenient,

less burdensome or less expensive").

Although it objects to this request for the reasons stated above, Oracle is willing to continue the meet and confer process with OFCCP to determine how to respond to this request in a manner that is consistent with and proportionate to the needs of the case, including but not limited to Oracle potentially producing responsive documents from a reasonably limited sample period of time and a reasonably limited number of affected persons within the ALJ Relevant Period.

REQUEST FOR PRODUCTION NO. 45:

All DOCUMENTS and COMMUNICATIONS (including but not limited to memos, emails, and text messages) stating, summarizing, supporting, or explaining YOUR decision or recommendation on a disposition of an expression of interest or application at any point of the HIRING process from a TRANSFER EMPLOYEE who applied for or expressed an interest for any PT1 job group positions or positions within the Product Development line of business during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 45:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the terms and phrases "stating," "summarizing," "supporting," "explaining," "decision," "recommendation," "disposition," "expression of interest," "application," "any point," "process," "applied for," "expressed an interest," "job group positions," and "line of business." Oracle further objects to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

In its Initial Responses and during the meet and confer, Oracle objected to this request to the extent that it relates to TRANSFER EMPLOYEES on the grounds that such employees are not treated as new hires and thus not relevant to OFCCP's hiring claims. However, as set forth

in separate meet and confer correspondence dated June 9, 2017, after conducting a reasonably diligent search, Oracle determined that international transfer employees are treated as new hires in a number of ways, including many aspects of the job application process as well as certain reporting and internal recordkeeping purposes. Accordingly, Oracle agreed to modify its responses to reflect this information.

Nevertheless, with regard to this particular request, Oracle maintains its objection to the incredible burden associated with searching for and reviewing all of the many thousands of documents and emails that are potentially related to this request, a burden that will only magnify now that Judge Larsen's forthcoming ruling on the relevant period has the potential to dramatically increase the pool of documents for Oracle's search and review process. Moreover, the Amended Complaint makes clear that OFCCP's findings of discrimination are based upon statistical analyses it claims to have conducted based on applicant, hire and compensation data submitted by Oracle in the compliance review. OFCCP has not demonstrated the documents and emails sought in this request are relevant to those claims, let alone shown the documents and emails are more relevant, and not cumulative and duplicative of, the massive amounts of material OFCCP already gathered from Oracle in the underlying compliance review. *See* Fed. R. Civ. P. 26(b)(2)(C) (providing that discovery should be limited to the extent that it is "unreasonably cumulative or duplicative, or can be obtained from some other source that is more convenient, less burdensome or less expensive").

Although it objects to this request for the reasons stated above, Oracle is willing to continue the meet and confer process with OFCCP to determine how to respond to this request in a manner that is consistent with and proportionate to the needs of the case, including but not limited to Oracle potentially producing responsive documents from a reasonably limited sample period of time and a reasonably limited number of affected persons within the ALJ Relevant Period.

REQUEST FOR PRODUCTION NO. 46:

All COMMUNICATIONS (including by not limited to memos, emails, and text messages) to and from Joyce Westerdahl RELATING TO: HIRING; COMPENSATION; PROMOTIONS; diversity or affirmative action; race; gender; national origin; or complaints (whether formal or informal) regarding: discrimination (including but not limited to race or gender); retaliation; unfair treatment; unfair COMPENSATION; and/or hostile work environment.

RESPONSE TO REQUEST FOR PRODUCTION NO. 46:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Due to OFCCP's lack of limitation or clarification of this request, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request on the grounds that it seeks confidential information that relates to and invades the privacy rights of individuals who are not a party to this action.

During its meet and confer call with OFCCP on May 30, 2017, Oracle requested that OFCCP modify this request as it lacks any specificity with regard to any job categories or groups, let alone PT1, fails to designate a relevant time frame for responsive materials, and includes topics that are not relevant to this litigation, such as PROMOTIONS. OFCCP responded at that time that it was unwilling to modify or alter its request in any way.

In subsequent meet and confer correspondence dated June 30, 2017, OFCCP offered to modify the request by (1) removing "including, but not limited to race and gender" and replacing it with "on the basis of race, gender, or national origin," and (2) removing the words "unfair treatment." These modifications were contingent, however, on Oracle agreeing to an arbitrary and unilaterally-imposed timeframe for production of these documents. Even setting aside their conditional nature, OFCCP's proposed modifications do not serve as reasonable limitations on this incredibly broad request, and OFCCP has continually failed to meet its burden of explaining

how all of the communications sought by this request are relevant and proportional for the purposes of this litigation. *See Gilead Sciences, Inc. v. Merck & Co.*, No. 5:13-cv-04057, 2016 WL 146574, at *1 (N.D. Cal. Jan. 13, 2016) ("a party seeking discovery of relevant, non-privileged information must show, before anything else, that the discovery sought is proportional to the needs of the case").

REQUEST FOR PRODUCTION NO. 47:

All DOCUMENTS (e.g., applications, resumes, expressions of interest, transcripts, references) submitted by PERSONS expressing an interest in or applying for positions in the PT1 job group or Product Development line of business during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 47:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

Subject to and without waiving these objections, Oracle responds:

Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody, or control for the PT1 job group at Oracle's Redwood Shores, CA, location during the ALJ Relevant Period.

REQUEST FOR PRODUCTION NO. 48:

All DOCUMENTS (e.g., job postings, requisitions, e-mails) submitted from YOU to PERSONS expressing an interest in or applying for positions in the PT1 job group or Product Development line of business during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 48:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this

request on the grounds that it is overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

During its meet and confer with OFCCP on May 30, 2017, Oracle explained that its overbreadth and relevance objections are based on the request's lack of time period limitations and its extension beyond the PT1 job group. Oracle also asked for clarification as to what "submitted" means in the context of this request, and OFCCP explained that this request seeks communications and documents that were affirmatively sent by Oracle employees to persons expressing an interest in a position as opposed to documents that were made generally available and accessible to applicants or potential job applicants, such as through Oracle's website.

In light of the clarification provided by OFCCP during the meet and confer process and without waiving its objections, Oracle responds:

Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody, or control for the PT1 job group at Oracle's Redwood Shores, CA, location during the ALJ Relevant Period.

REQUEST FOR PRODUCTION NO. 49:

All DOCUMENTS that define or describe YOUR DOCUMENT and data retention POLICIES, PRACTICES, or PROCEDURES for YOUR DATABASE(S) and any other repository for storing DOCUMENTS RELATING TO HIRING (including iRecruitment and Taleo) during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 49:

Oracle incorporates by reference its Objections to Specific Definitions set forth above.

Subject to and without waiving these objections, Oracle responds:

Oracle has produced its Records Management Policy and Retention Schedules, which are responsive to this request.

REQUEST FOR PRODUCTION NO. 50:

All DOCUMENTS that define or describe YOUR DOCUMENT and data retention POLICIES, PRACTICES, or PROCEDURES for YOUR human resources, compensation, and/or PERSONNEL DATABASE(S) and any other repository for storing PERSONNEL DOCUMENTS and COMMUNICATIONS (including E-business suites, HRIS, Compensation workbench, and GSIAP) during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 50:

Oracle incorporates by reference its Objections to Specific Definitions set forth above.

Subject to and without waiving these objections, Oracle responds:

Oracle has produced its Records Management Policy and Retention Schedules, which are responsive to this request.

REQUEST FOR PRODUCTION NO. 51:

DOCUMENTS, including but not limited to ORGANIZATIONAL CHARTS or lists, sufficient to identify any and all PERSON(S) with knowledge of YOUR human resources and/or PERSONNEL DATABASE(S) and any other repository for storing PERSONNEL DOCUMENTS and COMMUNICATIONS, including but not limited to identifying any and all PERSONS(S) with knowledge RELATING TO: inputting, saving, storing, producing, deleting, and manipulating information contained in said DATABASE(S).

RESPONSE TO REQUEST FOR PRODUCTION NO. 51:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

Subject to and without waiving these objections, Oracle responds:

Over the past few weeks, Oracle has made available multiple witnesses regarding its

various database systems for OFCCP to interview. In light of these interviews, Oracle requests that OFCCP revisit and modify this request.

REQUEST FOR PRODUCTION NO. 52:

All performance evaluation forms (including electronic forms or fields for data entry) that YOU used for PERSONS in PT1 job group positions or in the Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 52:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the phrases "performance evaluation forms" and "job group positions." Oracle further objects to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Furthermore the request implies that Oracle engages in and has a formal record of some form of performance evaluation for all employees in the PT1 job group or in the Product Development, Information Technology, and Support lines of business. As explained by Oracle's 30(b)(6) interviewees, this is not the case.

Subject to and without waiving these objections, Oracle responds:

Oracle will produce a screenshot (or screenshots) that shows the fields that can be populated in Oracle's Performance Appraisal application.

REQUEST FOR PRODUCTION NO. 53:

DOCUMENTS, including but not limited to ORGANIZATIONAL CHARTS or lists, sufficient to identify any and all PERSON(S), including but not limited to officers, executives, and all levels of management, with the ability to make a decision to affect a PERSON's COMPENSATION (i.e., by evaluating job performance, recommending increases or decreases in COMPENSATION; recommending PROMOTIONS or demotions) during the RELEVANT

TIME PERIOD for positions within the Product Development, Information Technology, and Support lines of business.

RESPONSE TO REQUEST FOR PRODUCTION NO. 53:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the phrases "all levels of management," "ability to make," and "decision to affect." Oracle further objects to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

Subject to and without waiving these objections, Oracle responds:

After conducting a reasonably diligent search, Oracle does not keep documents in the manner contemplated by this Request and is therefore unable to produce any responsive documents.

REQUEST FOR PRODUCTION NO. 54:

All DOCUMENTS relating to PRACTICES, POLICIES, or PROCEDURES for assigning PERSONS in the Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD to a "salary code" or "grade" and to a job title.

RESPONSE TO REQUEST FOR PRODUCTION NO. 54:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the terms and phrases "assigning," "salary code," and "grade." Oracle further objects to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

REQUEST FOR PRODUCTION NO. 55:

All DOCUMENTS RELATING TO PRACTICES, POLICIES, or PROCEDURES for

determining starting COMPENSATION (i.e., upon hire) for COLLEGE RECRUITS during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 55:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the terms "determining" and "starting." Oracle further objects to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

Subject to and without waiving these objections, Oracle responds:

Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody, or control relating to the PT1 job group at its Redwood Shores, CA, location for the ALJ Relevant Period.

REQUEST FOR PRODUCTION NO. 56:

All DOCUMENTS RELATING TO PRACTICES, POLICIES, or PROCEDURES for determining starting COMPENSATION (i.e., upon hire) for EXPERIENCED RECRUITS hired into PT1 job group positions or into positions in the Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 56:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the terms and phrases "determining," "starting," and "job group positions." Oracle further objects to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

Subject to and without waiving these Objections, Oracle responds:

Oracle will, after conducting a reasonably diligent search and utilizing reasonable search

parameters, produce responsive, non-privileged documents in its possession, custody, or control for the ALJ Relevant Period.

REQUEST FOR PRODUCTION NO. 57:

All DOCUMENTS RELATING TO PRACTICES, POLICIES, or PROCEDURES for determining starting COMPENSATION (i.e., upon hire for that particular position) for TRANSFER EMPLOYEES hired into PT1 job group positions or into positions in the Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD (including COMPENSATION guidelines for international TRANSFER EMPLOYEES).

RESPONSE TO REQUEST FOR PRODUCTION NO. 57:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the terms and phrases "determining," "starting," and "job group positions." Oracle further objects to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

In its Initial Responses and during the meet and confer, Oracle objected to this request to the extent that it relates to TRANSFER EMPLOYEES on the grounds that such employees are not treated as new hires and thus not relevant to OFCCP's hiring claims. However, as set forth in separate meet and confer correspondence dated June 9, 2017, after conducting a reasonably diligent search, Oracle determined that international transfer employees are treated as new hires in a number of ways, including many aspects of the job application process as well as certain reporting and internal recordkeeping purposes. Accordingly, Oracle agreed to modify its responses to reflect this information.

Subject to this understanding and without waiving these Objections, Oracle responds:

Oracle will, after conducting a reasonably diligent search and utilizing reasonable search

parameters, produce responsive, non-privileged documents in its possession, custody, or control relating to international transfer employees for the ALJ Relevant Period.

REQUEST FOR PRODUCTION NO. 58:

All DOCUMENTS RELATING TO PRACTICES, POLICIES, or PROCEDURES for determining job assignments (including but not limited to department/division, group, product team, and/or client assignments) for PERSONS in PT1 job group positions or in the Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 58:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the terms and phrases "determining," "job assignments," and "job group positions." Oracle further objects to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

REQUEST FOR PRODUCTION NO. 59:

All DOCUMENTS RELATING TO PRACTICES, POLICIES, or PROCEDURES RELATING TO the PROMOTION process for PERSONS in the Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 59:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

During the meet and confer process, Oracle repeatedly explained that its objection to this

request is based on the non-relevance of promotions to the hiring and compensation claims at issue in this litigation. OFCCP's request and its stated rationale for this request during the meet and confer process improperly conflates promotions with its compensation-related claims. *See, e.g.*, *Noel v. Boeing Co.*, 622 F.3d 266, (3d Cir. 2010) (explaining that courts treat "compensation-related claims and failure-to-promote claims as distinct grievances that are not coextensive").

REQUEST FOR PRODUCTION NO. 60:

All DOCUMENTS RELATING TO managers' requests for a PROMOTION of PERSONS in the Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD, including but not limited to any completed "Promotion Template."

RESPONSE TO REQUEST FOR PRODUCTION NO. 60:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

During the meet and confer process, Oracle repeatedly explained that its objection to this request is based on the non-relevance of promotions to the hiring and compensation claims at issue in this litigation. OFCCP's request and its stated rationale for this request during the meet and confer process improperly conflates promotions with its compensation-related claims. *See, e.g.*, *Noel v. Boeing Co.*, 622 F.3d 266, (3d Cir. 2010) (explaining that courts treat "compensation-related claims and failure-to-promote claims as distinct grievances that are not coextensive").

REQUEST FOR PRODUCTION NO. 61:

For each PERSON in the Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD, DOCUMENTS evidencing the

PERSON's characteristics YOU considered when setting that PERSON's COMPENSATION, either upon hire or in connection with a raise or PROMOTION, including but not limited to performance evaluations or other DOCUMENTS from the PERSON's PERSONNEL FILE evidencing that PERSON's experience or qualifications.

RESPONSE TO REQUEST FOR PRODUCTION NO. 61:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the terms and phrases "characteristics," "considered," "performance evaluations," "evidencing," "experience," "personnel file," or "qualification." Oracle further objects to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request because as stated, it calls for Oracle to speculate as to the particular characteristics or documents that any individual manager at Oracle may or may not have relied upon in making any individual compensation-related decision.

During its meet and confer call with OFCCP on June 1, 2017, Oracle explained its objections, including its objection to the relevance of information related to PROMOTIONS, which are not relevant to OFCCP's hiring and compensation claims. Oracle also explained the overly burdensome nature of responding to this request, which, as written, demands that Oracle collect and review documents from the personnel files of thousands of employees and then attempt to determine the "characteristics"—a vague and ambiguous term that OFCCP has declined to limit or clarify—that may have been considered for that employee in relation to his or her compensation. However, OFCCP declined to limit its request in any meaningful way. Accordingly, Oracle maintains its objections.

REQUEST FOR PRODUCTION NO. 62:

All DOCUMENTS RELATING TO PRACTICES, POLICIES, or PROCEDURES for

determining any changes in COMPENSATION for PERSONS in the Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 62:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the phrase "determining any changes." Oracle further objects to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

Subject to and without waiving these objections, Oracle responds:

Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody, or control related to the Support, Product Development and Information Technology job functions at its Redwood Shores, CA, location for the ALJ Relevant Period.

REQUEST FOR PRODUCTION NO. 63:

All DOCUMENTS RELATING TO PRACTICES, POLICIES, or PROCEDURES for setting pay ranges for job titles and/or pay grades in the Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 63:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the phrases "setting pay ranges," "pay grades," and "lines of business." Oracle further objects to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

Subject to and without waiving these objections, Oracle responds:

Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody, or control related to the Support, Product Development and Information Technology job functions at its Redwood Shores, CA, location for the ALJ Relevant Period.

REQUEST FOR PRODUCTION NO. 64:

All DOCUMENTS RELATING TO PRACTICES, POLICIES, or PROCEDURES reflecting how PERSONS in the Product Development, Information Technology, and Support lines of business are evaluated, ranked, and/or analyzed, during the RELEVANT TIME PERIOD, including but not limited to: standards used; the process for evaluating, ranking, and/or analyzing; positions that evaluate, rank and/or analyze; the review and approval process.

RESPONSE TO REQUEST FOR PRODUCTION NO. 64:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the terms and phrases "reflecting," "lines of business," "evaluate[d]," "ranke[d]," "analyze[d]," "standards used," and "review and approval process." Oracle further objects to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

During its meet and confer with OFCCP on June 1, 2017, Oracle explained its objections and requested that OFCCP clarify and explain this request. Following OFCCP's explanation, Oracle requested that OFCCP provide a clarified or modified request in writing. OFCCP has yet to provide a clarified or modified request.

REQUEST FOR PRODUCTION NO. 65:

All DOCUMENTS provided to YOUR employees, including but not limited to employee handbooks, describing PRACTICES, POLICIES, or PROCEDURES RELATING TO: HIRING; job assignments (including but not limited to initial job assignments, lateral movements, and

transfers); COMPENSATION; PROMOTIONS; demotions; diversity and/or affirmative action, for PT1 job group positions and positions in the Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 65:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the terms and phrases "job assignments," "lateral movements," "transfers," "demotions," "diversity," "affirmative action," and "lines of business." Oracle further objects to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

During its meet and confer with OFCCP on June 1, 2017, Oracle explained its objections and requested that OFCCP clarify and explain this request. Following OFCCP's explanation, Oracle requested that OFCCP provide a clarified or modified request in writing. OFCCP has yet to provide a clarified or modified request.

REQUEST FOR PRODUCTION NO. 66:

All DOCUMENTS RELATING TO PRACTICES, POLICIES, or PROCEDURES for raising a complaint of: discrimination (including but not limited to race or gender); retaliation; unfair treatment; unfair COMPENSATION; and/or hostile work environment (including all PRACTICES, POLICIES, or PROCEDURES RELATING TO YOU investigating and addressing such complaints, whether internal or external) during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 66:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the terms and

phrases "raising a complaint," "discrimination," "retaliation," "unfair treatment," "unfair COMPENSATION," "hostile work environment," "investigating," and "addressing." Oracle further objects to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

During the meet and confer process, Oracle explained its overbreadth and relevance objections to this request. In response, OFCCP indicated that it would be willing to modify this request. In its meet and confer letter dated June 28, 2017, OFCCP only agreed to partially modify this request to remove the words "unfair treatment."

Nevertheless, subject to this modification and without waiving its objections, Oracle responds:

Oracle will, after conducting a reasonably diligent search, produce responsive, non-privileged documents in its possession, custody, or control.

REQUEST FOR PRODUCTION NO. 67:

All DOCUMENTS RELATING TO complaints made (whether formal or informal, oral or written) against YOU (including against any and all PERSON(S) involved in HIRING for PT1 job group and/or Product Development job group positions or involved in determining COMPENSATION for employees in the Product Development, Information Technology, and Support lines of business) that allege, in whole or in part, discrimination (including but not limited to race or gender); retaliation; unfair treatment; unfair COMPENSATION; and/or hostile work environment during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 67:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the terms and

phrases "complaints made," "oral," "job group positions," involved in determining," "in whole or in part," "discrimination," "retaliation," "unfair treatment," "unfair COMPENSATION," "hostile work environment," and "lines of business." Oracle further objects to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle objects to the extent the request calls for a legal conclusion(s). Oracle further objects to this request on the grounds that it seeks confidential information that relates to and invades the privacy rights of individuals who are not a party to this action. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

During the meet and confer process, Oracle explained its overbreadth and relevance objections to this request, including that this request covers issues with no relevance of OFCCP's actual claims, specifically retaliation, unfair treatment, and hostile work environment. In an effort to narrow the scope of this request to relevant individuals, Oracle also requested that OFCCP identify those individuals it contends were discriminated against as determined in its Notice of Violation. In response, OFCCP indicated that it would consider modifying this request. However, in its meet and confer letter dated June 28, 2017, OFCCP only partially modified its request to remove the words "unfair treatment" and to replace the language "including but not limited to race or gender" with "on the basis of race, gender, or national origin." Due to OFCCP's refusal to provide sufficient modifications to or otherwise limit this request, Oracle maintains its objections.

REQUEST FOR PRODUCTION NO. 68:

All DOCUMENTS initiating legal proceedings against YOU concerning PERSONNEL issues by PERSONS in the PT1 job group or in the Product Development, Information Technology, or Support lines of business during the RELEVANT TIME PERIOD, including but not limited to: civil lawsuits; arbitrations; and/or administrative charges of: discrimination

(including but not limited to race or gender); retaliation; unfair treatment; unfair COMPENSATION; and/or hostile work environment, including but not limited to charges filed with the Equal Employment Opportunity Commission, any state equal employment agencies, human rights agencies, or unemployment agencies.

RESPONSE TO REQUEST FOR PRODUCTION NO. 68:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the terms and phrases "initiating legal proceedings," "concerning," "discrimination," "retaliation," "unfair treatment," "unfair COMPENSATION," "hostile work environment," "any state equal employment agencies," "human rights agencies," and "unemployment agencies." Oracle objects to the extent the request calls for a legal conclusion. Oracle further objects to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request on the grounds that it seeks confidential information that relates to and invades the privacy rights of individuals who are not a party to this action. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

During the meet and confer process, Oracle explained its overbreadth and relevance objections to this request, including that this request covers issues with no relevance of OFCCP's actual claims, specifically retaliation, unfair treatment, and hostile work environment. In an effort to narrow the scope of this request to relevant individuals, Oracle also requested that OFCCP identify those individuals it contends were discriminated against as determined in its Notice of Violation. In response, OFCCP indicated that it would consider modifying this request. However, in its meet and confer letter dated June 28, 2017, OFCCP only partially modified its request to remove the words "unfair treatment" and to replace the language

"including but not limited to race or gender" with "on the basis of race, gender, or national origin." Due to OFCCP's refusal to provide sufficient modifications to or otherwise limit this request, Oracle maintains its objections.

REQUEST FOR PRODUCTION NO. 69:

All DOCUMENTS, including but not limited to employee surveys, summaries, reports, or presentations, addressing or referencing: discrimination (including but not limited to race or gender); retaliation; unfair treatment; unfair COMPENSATION; hostile work environment; morale; and/or improper management conduct during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 69:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the terms and phrases "employee surveys," "summaries," "reports," "presentations," "addressing or referencing," "discrimination," "retaliation," "unfair treatment," "unfair COMPENSATION," "hostile work environment," "morale," and "improper management conduct." Oracle further objects to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

During the meet and confer process, Oracle explained its overbreadth and relevance objections to this request, including that this request covers issues with no relevance of OFCCP's actual claims, specifically retaliation, unfair treatment, and hostile work environment. In response, OFCCP indicated that it would consider modifying this request. However, in its meet and confer letter dated June 28, 2017, OFCCP only partially modified its request to remove the words "unfair treatment" and to replace the language "including but not limited to race or gender" with "on the basis of race, gender, or national origin." Due to OFCCP's refusal to

provide sufficient modifications to or otherwise limit this request, Oracle maintains its objections.

REQUEST FOR PRODUCTION NO. 70:

All GOVERNMENT CONTRACTS to which YOU have been a party during the RELEVANT TIME PERIOD, including any addenda, modifications, affirmations, and/or novations.

RESPONSE TO REQUEST FOR PRODUCTION NO. 70:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Due to OFCCP's lack of clarification or limitation of this request during the meet and confer process, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the terms "addenda," "modifications," "affirmations," and "novations." Oracle further objects to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request as encompassing information already available to the OFCCP.

During its meet and confer conversations with OFCCP, Oracle sought to understand how this request is relevant to the litigation beyond showing that Oracle qualifies as a government contractor under 41 C.F.R. Chapter 60: Executive Order 11246. To satisfy what it understood the purpose of this request to be, Oracle offered to stipulate that is a government contractor. In response, OFCCP declined to clarify its request or accept Oracle's stipulation. Instead, OFCCP provided the somewhat circular argument that the information sought in this request is relevant to Oracle's objections to OFFCP's Requests for Production that are based on proportionality. OFFCP has never subsequently modified or clarified this request in writing, and Oracle maintains its objection that this request does not seek information relevant to this litigation.

REQUEST FOR PRODUCTION NO. 71:

YOUR internal pay equity analyses conducted pursuant to 41 C.F.R. § 60-2.17 for the RELEVANT TIME PERIOD, including the date of analysis and dataset(s) used for the analysis.

RESPONSE TO REQUEST FOR PRODUCTION NO. 71:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request as overbroad in scope, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the ground that it calls for a legal conclusion; specifically, as Oracle noted in its meet and confer letter dated June 9, 2017, this request, by referring to a regulation, requires Oracle to read, research, and apply the regulation to the request, which inherently requires a legal analysis of the regulation and its applicability. Oracle further objects to this request on the ground that it requires Oracle to refer to materials outside the request itself.

REQUEST FOR PRODUCTION NO. 72:

All DOCUMENTS RELATING TO actions taken during the RELEVANT TIME PERIOD in response to YOUR internal pay equity analyses conducted pursuant to 41 C.F.R. § 60-2.17.

RESPONSE TO REQUEST FOR PRODUCTION NO. 72:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the ground that it

calls for a legal conclusion; specifically, as Oracle noted in its meet and confer letter dated June 9, 2017, this request, by referring to a regulation, requires Oracle to read, research, and apply the regulation to the request, which inherently requires a legal analysis of the regulation and its applicability. Oracle further objects to this request on the ground that it requires Oracle to refer to materials outside the request itself.

REQUEST FOR PRODUCTION NO. 73:

DATABASE(S) exported in a non-proprietary format, such as an Excel-readable file (e.g., .XLS or .CSV files), with data dictionaries and/or internal documentation describing the fields/outputs containing the following, regardless of time period: PERSONNEL, PROMOTION, payroll, gender, and race data for employees in the PT1 job group or in the Product Development, Information Technology, and Support lines of business. Data should include all data contained in Oracle's GSIAP system, including data from (1) the "People" window and all tabs shown on that window (i.e., "Personal," "Employment," "Office Details," "Applicant," "Further Name," "Other," and "Benefits"); (2) the "Previous Employment Information" window; (3) the "Schools and Colleges Attended" window; (4) the "Assignment" screen and all tabs shown on that window (i.e., "Salary Information," "Supervisor," "Standard Conditions," and "Statutory Information); (5) the "Salary Administration" window; (6) the "Performance" window; (7) the "Salary History" window; and (8) the "DateTrack History of Assignments" window.

RESPONSE TO REQUEST FOR PRODUCTION NO. 73:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to the request as being vague and ambiguous, including but not limited to, as to the data being requested, as well as to the terms: "data dictionaries" and "internal documentation." Similarly the use of commas, qualifiers, "data," and "window[s]" renders the request unintelligible. Oracle further objects to this request as overbroad in scope and time, unduly burdensome, compound,

oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

During the meet and confer process, Oracle explained that this request, as written, seeks the export of the entire GSIAP database, which involves a massive amount of data associated with tens of thousands of Oracle employees who are wholly unrelated to the allegations in the Amended Complaint. In response, OFCCP provided an explanation of what they were hoping to obtain with their request, stating that they were not in fact seeking the export of the GSIAP database, thus providing an interpretation of the request that is contrary to its plain language, which, as written, seeks "all data contained in Oracle's GSIAP system." Oracle suggested that OFCCP narrow its requests to better reflect OFCCP's stated intent.

Since these discussions, Oracle has continued to meet and confer with OFCCP to identify whether and how it can produce data related to this request. During the meet and confer process, Oracle has explained—with the assistance of eight witnesses produced to OFCCP to discuss Oracle's databases and the modules and applications associated with them—that its databases were not designed for the purpose of exporting data en masse in the manner contemplated by OFCCP. Oracle has further explained that exporting data for the OFCCP will require scripts to be written that collect and generate the information sought by OFCCP as well as testing, confirmation, and quality control of the results of any data export. Notwithstanding the burdensome and time-consuming nature of this process—further illustrated by OFCCP's eleven-page letter dated June 30, 2017 outlining in detail the various data they are seeking in Oracle's databases—and Oracle's objections as detailed above, Oracle continues actively working with OFCCP to provide it with data related to this request.

REQUEST FOR PRODUCTION NO. 74:

DATABASE(S) exported in a non-proprietary format, such as an Excel-readable file (e.g., .XLS or .CSV files), with data dictionaries and/or or internal documentation describing the

fields/outputs containing the following: applicant, offer, gender, and race data for EXPERIENCED RECRUITS during the RELEVANT TIME PERIOD. Data should include all data contained in Oracle's iRecruitment system and Taleo system, including data from (1) the "Candidate Details" window and all tabs shown on that window (i.e., including "Candidate Profile," "Qualifications," "Resumes and Documents," "Jobs Considered for," "Applications," and "Offers"), (2) the "Vacancies" window and all tabs shown on that window (i.e., "Vacancy Details," "Applicants," and links, such as "Review Resume" and "Application Notes").

RESPONSE TO REQUEST FOR PRODUCTION NO. 74:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to the request as being vague and ambiguous, including but not limited to, as to the data being requested, as well as to the terms: "data dictionaries" and "internal documentation." Similarly the use of commas, qualifiers, "data," and "window[s]" renders the request unintelligible. Oracle further objects to this request as overbroad in scope and time, unduly burdensome, compound, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the grounds that it seeks confidential information that relates to and invades the privacy rights of individuals who are not a party to this action.

During the meet and confer process, Oracle explained that this request, as written, seeks the export of the entire iRecruitment and Taleo databases, which involves a massive amount of data associated with tens of thousands of Oracle employees who are wholly unrelated to the allegations in the Amended Complaint. In response, OFCCP provided an explanation of what they were hoping to obtain with their request, stating that they were not in fact seeking the export of entire databases, thus providing an interpretation of the request that is contrary to its plain language, which, as written, seeks "include all data contained in Oracle's iRecruitment system

and Taleo system." Oracle suggested that OFCCP narrow its requests to better reflect OFCCP's stated intent.

Since these discussions, Oracle has continued to meet and confer with OFCCP to identify whether and how it can produce data related to this request. During the meet and confer process, Oracle has explained—with the assistance of eight witnesses produced to OFCCP to discuss Oracle's databases and the modules and applications associated with them—that its databases were not designed for the purpose of exporting data en masse in the manner contemplated by OFCCP. Oracle has further explained that exporting data for the OFCCP will require scripts to be written that collect and generate the information sought by OFCCP as well as testing, confirmation, and quality control of the results of any data export. Notwithstanding the burdensome and time-consuming nature of this process—further illustrated by OFCCP's eleven-page letter dated June 30, 2017 outlining in detail the various data they are seeking in Oracle's databases—and Oracle's objections as detailed above, Oracle continues actively working with OFCCP to provide it with data related to this request.

REQUEST FOR PRODUCTION NO. 75:

DATABASE(S) exported in a non-proprietary format, such as an Excel-readable file (e.g., .XLS or .CSV files), with data dictionaries and/or internal documentation describing the fields/outputs containing the following: applicant, offer, gender, and race data for TRANSFER EMPLOYEES into positions in the PT1 job group or Product Development line of business during the RELEVANT TIME PERIOD. Data should include all data contained in Oracle's iRecruitment system and Taleo system, including data from (1) the "Candidate Details" window and all tabs shown on that window (i.e., including "Candidate Profile," "Qualifications," "Resumes and Documents," "Jobs Considered for," "Applications," and "Offers"), (2) the "Vacancies" window and all tabs shown on that window (i.e., "Vacancy Details," "Applicants," and links, such as "Review Resume" and "Application Notes").

RESPONSE TO REQUEST FOR PRODUCTION NO. 75:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to the request as being vague and ambiguous, including but not limited to, as to the data being requested, as well as to the terms: "data dictionaries" and "internal documentation." Similarly the use of commas, qualifiers, "data," and "window[s]" renders the request unintelligible. Oracle further objects to this request as overbroad in scope and time, unduly burdensome, compound, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the grounds that it seeks confidential information that relates to and invades the privacy rights of individuals who are not a party to this action.

During the meet and confer process, Oracle explained that this request, as written, seeks the export of the entire iRecruitment and Taleo databases, which involves a massive amount of data associated with tens of thousands of Oracle employees who are wholly unrelated to the allegations in the Amended Complaint. In response, OFCCP provided an explanation of what they were hoping to obtain with their request, stating that they were not in fact seeking the export of entire databases, thus providing an interpretation of the request that is contrary to its plain language, which, as written, seeks "include all data contained in Oracle's iRecruitment system and Taleo system." Oracle suggested that OFCCP narrow its requests to better reflect OFCCP's stated intent.

Since these discussions, Oracle has continued to meet and confer with OFCCP to identify whether and how it can produce data related to this request. During the meet and confer process, Oracle has explained—with the assistance of eight witnesses produced to OFCCP to discuss Oracle's databases and the modules and applications associated with them—that its databases were not designed for the purpose of exporting data en masse in the manner contemplated by

OFCCP. Oracle has further explained that exporting data for the OFCCP will require scripts to be written that collect and generate the information sought by OFCCP as well as testing, confirmation, and quality control of the results of any data export. Notwithstanding the burdensome and time-consuming nature of this process—further illustrated by OFCCP's eleven-page letter dated June 30, 2017 outlining in detail the various data they are seeking in Oracle's databases—and Oracle's objections as detailed above, Oracle continues actively working with OFCCP to provide it with data related to this request.

REQUEST FOR PRODUCTION NO. 76:

DATABASE(S) exported in a non-proprietary format, such as an Excel-readable file (e.g., .XLS or .CSV files), with data dictionaries and/or internal documentation describing the fields/outputs containing the following: applicant, offer, gender, and race data for COLLEGE RECRUITS during the RELEVANT TIME PERIOD. Data should include all data contained in Oracle's iRecruitment system, Taleo system, or other system, such as data from (1) the "Candidate Details" window and all tabs shown on that window (i.e., including "Candidate Profile," "Qualifications," "Resumes and Documents," "Jobs Considered for," "Applications," and "Offers"), (2) the "Vacancies" window and all tabs shown on that window (i.e., "Vacancy Details," "Applicants," and links, such as "Review Resume" and "Application Notes").

RESPONSE TO REQUEST FOR PRODUCTION NO. 76:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to the request as being vague and ambiguous, including but not limited to, as to the data being requested, as well as to the terms: "data dictionaries" and "internal documentation." Similarly the use of commas, qualifiers, "data," and "window[s]" renders the request unintelligible. Oracle further objects to this request as overbroad in scope and time, unduly burdensome, compound, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks

information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the grounds that it seeks confidential information that relates to and invades the privacy rights of individuals who are not a party to this action.

During the meet and confer process, Oracle explained that this request, as written, seeks the export of the entire iRecruitment and Taleo databases, which involves a massive amount of data associated with tens of thousands of Oracle employees who are wholly unrelated to the allegations in the Amended Complaint. In response, OFCCP provided an explanation of what they were hoping to obtain with their request, stating that they were not in fact seeking the export of entire databases, thus providing an interpretation of the request that is contrary to its plain language, which, as written, seeks "include all data contained in Oracle's iRecruitment system and Taleo system." Oracle suggested that OFCCP narrow its requests to better reflect OFCCP's stated intent.

Since these discussions, Oracle has continued to meet and confer with OFCCP to identify whether and how it can produce data related to this request. During the meet and confer process, Oracle has explained—with the assistance of eight witnesses produced to OFCCP to discuss Oracle's databases and the modules and applications associated with them—that its databases were not designed for the purpose of exporting data en masse in the manner contemplated by OFCCP. Oracle has further explained that exporting data for the OFCCP will require scripts to be written that collect and generate the information sought by OFCCP as well as testing, confirmation, and quality control of the results of any data export. Notwithstanding the burdensome and time-consuming nature of this process—further illustrated by OFCCP's eleven-page letter dated June 30, 2017 outlining in detail the various data they are seeking in Oracle's databases—and Oracle's objections as detailed above, Oracle continues actively working with OFCCP to provide it with data related to this request.

REQUEST FOR PRODUCTION NO. 77:

All LABOR CONDITION APPLICATIONS for the RELEVANT TIME PERIOD,

including any LABOR CONDITION APPLICATIONS YOU submitted during the RELEVANT TIME PERIOD or any additional LABOR CONDITION APPLICATIONS YOU used to employ any PERSON during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 77:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

During its June 5, 2017 meet and confer with the OFCCP, Oracle explained its overbreadth objections. Oracle also stated that it understood that OFCCP already possessed many of the documents encompassed by this request and that compliance with this request would therefore be unreasonably burdensome and oppressive. Accordingly, Oracle requested that OFCCP provide Oracle with the list of individuals for whom it still had not received responsive documents. OFCCP provided this list as an attachment to its letter dated June 28, 2017.

Subject to this clarification and without waiving its objections, Oracle responds:

Oracle will, after conducting a reasonably diligent search, produce responsive, non-privileged documents in its possession, custody, or control.

REQUEST FOR PRODUCTION NO. 78:

ADVERSE IMPACT ANALYSES, as required by 41 C.F.R. § 60-3.15A, performed by YOU or any other PERSONS acting or purporting to act on YOUR behalf or at YOUR direction for the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 78:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this

request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the ground that it calls for a legal conclusion; specifically, as Oracle noted in its meet and confer letter dated June 9, 2017, this request, by referring to a regulation, requires Oracle to read, research, and apply the regulation to the request, which inherently requires a legal analysis of the regulation and its applicability. Oracle further objects to this request on the ground that it requires Oracle to refer to materials outside the request itself.

REQUEST FOR PRODUCTION NO. 79:

Evaluations of each step or component of the selection (i.e., HIRING) process, as described in 41 C.F.R. § 60-3.4(C), for positions in the PT1 job group and/or Product Development line of business for the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 79:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the ground that it calls for a legal conclusion; specifically, as Oracle noted in its meet and confer letter dated June 9, 2017, this request, by referring to a regulation, requires Oracle to read, research, and apply the regulation to the request, which inherently requires a legal analysis of the regulation and its applicability. Oracle further objects to this request on the ground that it requires Oracle to refer to materials outside the request itself.

During its meet and confer with OFCCP on June 5, 2017, Oracle explained its objections

and requested that OFCCP clarify and explain this request. Following OFCCP's explanation, Oracle requested that OFCCP provide a clarified or modified request in writing. OFCCP has yet to provide a clarified or modified request.

REQUEST FOR PRODUCTION NO. 80:

In-depth analyses of the total employment process, as required in 41 C.F.R. § 60-2.17(b), for positions in the PT1 job group or Product Development, Information Technology, and/or Support lines of business for the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 80:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the ground that it calls for a legal conclusion; specifically, as Oracle noted in its meet and confer letter dated June 9, 2017, this request, by referring to a regulation, requires Oracle to read, research, and apply the regulation to the request, which inherently requires a legal analysis of the regulation and its applicability. Oracle further objects to this request on the ground that it requires Oracle to refer to materials outside the request itself.

During its meet and confer with OFCCP on June 5, 2017, Oracle explained its objections and requested that OFCCP clarify and explain this request. Following OFCCP's explanation, Oracle requested that OFCCP provide a clarified or modified request in writing. OFCCP has yet to provide a clarified or modified request.

REQUEST FOR PRODUCTION NO. 81:

All DOCUMENTS RELATING TO training or other instruction YOU provided to any officers, executives, all levels of management, human resources and/or PERSONNEL

department(s) or division(s), and/or any other employee or PERSON acting or purporting to act on YOUR behalf or at YOUR direction, involved in HIRING and/or determining COMPENSATION that relates to YOUR Affirmative Action Program (AAP) or laws or policies prohibiting discrimination on the basis of gender or race during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 81:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the phrases "training or other instruction," "purporting to act," "involved," "determining," and "discrimination." Oracle further objects to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

During its June 5, 2017 meet and confer with Oracle, OFCCP clarified that this request is intended to obtain training or instruction that was relevant to the PT1 job group or Product Development.

Subject to and without waiving these objections, Oracle responds:

In light of this clarification, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody, or control for the ALJ Relevant Period

REQUEST FOR PRODUCTION NO. 82:

DOCUMENTS sufficient to show the eligibility requirements for any employment benefits offered to employees in the PT1 job group or Product Development, Information Technology, and/or Support lines of business during the RELEVANT TIME PERIOD, including but not limited to the following benefits: life insurance; retirement; vacation pay; sick pay; 401(k) profit sharing or retirement plans; stock options; DOCUMENTS governing any health,

dental, vision, disability, or other welfare plan; DOCUMENTS governing any sick, vacation, and holiday plans; and summary plan descriptions.

RESPONSE TO REQUEST FOR PRODUCTION NO. 82:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the phrases "eligibility requirements" and "any employment benefits." Oracle objects to the list of identified benefits as including the term "Documents," which does not include or encompass benefits and renders the request unintelligible. Oracle further objects to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request as premature and not relevant to the liability phase of trial.

REQUEST FOR PRODUCTION NO. 83:

Contact information for all current and former employees in the PT1 job group and Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD, including: full name, home address, home phone number, mobile phone number, and home/personal email address.

RESPONSE TO REQUEST FOR PRODUCTION NO. 83:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Due to OFCCP's lack of limitation or clarification to this request, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous. Oracle further objects to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request on the grounds that it seeks confidential information that relates to and invades the privacy rights of individuals who are not a party to this action.

As explained in separate meet and confer correspondence, Oracle objects to this request

based on the California Constitution, which provides protection for individual privacy and an obligation for employers to protect the privacy interests of its employees and former employees. This right to privacy extends to employees' privacy in their home addresses and other contact information. *See Planned Parenthood Golden Gate v. Superior Court*, 83 Cal. App. 4th 347, 359 (Cal. Ct. App. 2000). Under California law, third parties who have entrusted Oracle with their private contact information have a right to expect Oracle "to resist attempts at unauthorized disclosure" and the affected employees are entitled to expect that their "right[s] will be thus asserted." *Craig v. Municipal Court*, 100 Cal. App. 3d 69, 77 (Cal. Ct. App. 1979); *see also Bd. of Trustees v. Superior Court*, 119 Cal. App. 3d 516, 526 (Cal. Ct. App. 1981) ("[T]he custodian of such private information may not waive the privacy rights of persons who are constitutionally guaranteed their protection."). OFCCP's contention that the implementation of a protective order moots Oracle's objections is a conflation of two separate concerns; the protective order protects confidential information from getting into the hands of third parties to this litigation, but this does nothing to address Oracle's objection to providing the government, a party to this litigation, with employee contact information.

REQUEST FOR PRODUCTION NO. 84:

All DOCUMENTS RELATING TO any statistical analyses that YOU rely upon to deny any of the allegations in the AMENDED COMPLAINT, including all results, assumptions, variables, and analyses upon which YOU rely, and the computer code and formulas underlying the analyses.

RESPONSE TO REQUEST FOR PRODUCTION NO. 84:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the phrases "statistical analyses," "results," "assumptions," "variables," "analyses," "computer code," and "formulas underlying the analyses." Oracle further objects to this request as overbroad in scope,

unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

During the meet and confer process, Oracle explained that, to the extent it understands this request as written, it does not believe that it has responsive documents. In separate correspondence, Oracle represented that the only statistical analysis that Oracle has relied upon to date in denying the allegation of the Amended Complaint is the OFCCP's analysis that it attached to its Notice of Violation. Nevertheless, Oracle requested that OFCCP provide a clarified or modified request in writing that Oracle could understand. To date, OFCCP has not provided such a request.

REQUEST FOR PRODUCTION NO. 85:

For any and all analyses YOU provide in response to Request No. 84, provide the entire DATABASE YOU relied upon for each analysis.

RESPONSE TO REQUEST FOR PRODUCTION NO. 85:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

During its meet and confer with OFCCP on June 6, 2017, Oracle explained its objections and requested that OFCCP clarify and explain this request. Following OFCCP's explanation, Oracle requested that OFCCP provide a clarified or modified request in writing. OFCCP has yet to provide a clarified or modified request.

REQUEST FOR PRODUCTION NO. 86:

For each DATABASE provided in response to Request No. 84, produce all written and electronic source DOCUMENTS that YOU relied upon to create and refine the DATABASE, including but not limited to DOCUMENTS relied upon to establish each PERSON's name, gender, race, position, education, work experience, and any other factor YOU included in the DATABASE.

RESPONSE TO REQUEST FOR PRODUCTION NO. 86:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the grounds that it seeks confidential information that relates to and invades the privacy rights of individuals who are not a party to this action. During its meet and confer with OFCCP on June 1, 2017, Oracle explained its objections and requested that OFCCP clarify and explain this request. Following OFCCP's explanation, Oracle requested that OFCCP provide a clarified or modified request in writing. OFCCP has yet to provide a clarified or modified request.

REQUEST FOR PRODUCTION NO. 87:

All DOCUMENTS RELATING TO validity studies or evaluations that YOU or someone on YOUR behalf conducted RELATING TO any step or component of the HIRING process for employees in the PT1 job group and Product Development line of business during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 87:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. During the meet and confer process, Oracle requested that OFCCP clarify the specific tests or

selection procedures relevant to OFCCP's hiring claims on which Oracle would have conducted validity studies. OFCCP declined to specify and instead reiterated that this request is for any validity study that was conducted in relation to the hiring process. Due to OFCCP's lack of limitation or clarification, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the phrases "validity studies or evaluations" and "any step or component." Oracle further objects to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

REQUEST FOR PRODUCTION NO. 88:

All DOCUMENTS RELATING TO validity studies or evaluations that YOU or someone on YOUR behalf conducted RELATING TO any step or component of the COMPENSATION determination process for employees in the Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 88:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. During the meet and confer process, Oracle requested that OFCCP clarify the specific tests or selection procedures relevant to OFCCP's compensation claims on which Oracle would have conducted validity studies. OFCCP declined to specify and instead reiterated that this request is for any validity study that was conducted in relation to the compensation process. Due to OFCCP's lack of limitation or clarification, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the phrases "validity studies or evaluations" and "any step or component." Oracle further objects to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this

request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

REQUEST FOR PRODUCTION NO. 89:

All DOCUMENTS YOU rely upon or reviewed in preparing YOUR ANSWER.

RESPONSE TO REQUEST FOR PRODUCTION NO. 89:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the phrase "rely upon or reviewed." Oracle further objects to this request as duplicative to other requests, overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

As discussed in separate meet and confer correspondence with OFCCP, Oracle's objections arise from OFCCP's demand for not only all documents Oracle relied upon, but "all documents YOU . . . reviewed" when drafting its answer. As written, this request extends to attorney mental impressions and even non-relevant documents by encompassing any and all documents that Oracle's counsel may have reviewed but which were not ultimately relied upon or referenced in Oracle's answer. Despite Oracle's request for relevant authority, OFCCP has yet to identify any case or situation where a request for all documents that a party reviewed in drafting its answer was deemed permissible under Rule 34, and OFCCP has yet to modify or limit this request in any way

REQUEST FOR PRODUCTION NO. 90:

All DOCUMENTS that support YOUR "Preliminary Statement" (pages 1-9) set forth in YOUR ANSWER.

RESPONSE TO REQUEST FOR PRODUCTION NO. 90:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the phrase "support." Oracle further objects to this request as duplicative to other requests, overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

Subject to and without waiving these objections, Oracle responds:

Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody, or control.

REQUEST FOR PRODUCTION NO. 91:

All DOCUMENTS that support YOUR responses in YOUR ANSWER denying each and every numbered paragraph to the AMENDED COMPLAINT.

RESPONSE TO REQUEST FOR PRODUCTION NO. 91:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the phrase "support." Oracle further objects to this request as duplicative to other requests, overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

Subject to and without waiving these objections, Oracle responds:

Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody, or control.

REQUEST FOR PRODUCTION NO. 92:

All DOCUMENTS that YOU plan to introduce as exhibits at the trial in this matter.

RESPONSE TO REQUEST FOR PRODUCTION NO. 92:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is premature. Oracle further objects to this request to the extent it seeks the mental impressions of counsel, including information protected by the attorney-client privilege or the attorney work product doctrine.

Subject to and without waiving these objections, Oracle responds:

Oracle will timely produce responsive documents in accordance with the schedule set by the Administrative Law Judge.

July 12, 2017

GARY R. SINISCALCO
ERIN M. CONNELL

ORRICK, HERRINGTON & SUTCLIFFE LLP
The Orrick Building
405 Howard Street
San Francisco, Ca 94105-2669
Telephone: (415) 773-5700
Facsimile: (415) 773-5759
Email: grsiniscalco@orrick.com
econnell@orrick.com
Attorneys For Defendant
ORACLE AMERICA, INC.

PROOF OF SERVICE BY ELECTRONIC MAIL

I am more than eighteen years old and not a party to this action. My business address is Orrick, Herrington & Sutcliffe LLP, The Orrick Building, 405 Howard Street, San Francisco, California 94105-2669. My electronic service address is jkaddah@orrick.com.

On July 12, 2017, I served the interested parties in this action with the following document(s):

DEFENDANT ORACLE AMERICA, INC.'S AMENDED & SUPPLEMENTAL RESPONSES AND OBJECTIONS TO SECOND SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS

by serving true copies of these documents via electronic mail in Adobe PDF format the documents listed above to the electronic addresses set forth below:

Marc A. Pilotin (pilotin.marc.a@dol.gov)
Laura Bremer (Bremer.Laura@dol.gov)
Ian Eliasoph (eliasoph.ian@dol.gov)
Jeremiah Miller (miller.jeremiah@dol.gov)
U.S. Department of Labor, Office of the Solicitor, Region IX – San Francisco
90 Seventh Street, Suite 3-700
San Francisco, CA 94103
Telephone: (415) 625-7769
Fax: (415) 625-7772

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on July 12, 2017, at San Francisco, California.

_____
Jacqueline D. Kaddah

EXHIBIT 18

EXHIBIT 18

U. S. DEPARTMENT OF LABOR

OFFICE OF THE SOLICITOR
90 7th Street, Suite 3-700
San Francisco, California 94103
Telephone: (415) 625-7747
Facsimile: (415) 625-7772

April 11, 2017

J.R. Riddell
Orrick, Herrington & Sutcliffe LLP
The Orrick Building
405 Howard Street
San Francisco, CA 94105

Re: *OFCCP v. Oracle, Inc.*, Case No. 2017-OFC-00006
Written Discovery Meet and Confer Letter

Dear Mr. Riddle:

This letter is in response to Oracle's incomplete April 5, 2017, meet and confer response. Your response is incomplete because it fails to address Oracle's production intent for 52 of the Secretary's 94 document production requests and fails to provide copies of orders that are not electronically available. To enable the parties to move forward, we are requesting that Oracle address these deficiencies by the close of business on Monday, April 17, 2017.

Oracle did not respond to the Secretary's request to identify whether it will be producing documents for 52 of the Secretary's document production requests. Oracle just made objections to 52 requests: Set #1: Nos. 8, 27-29; Set #2: Nos. 31, 33, 35-36, 38-40, 42-46, 48-51, 54, 57-61, 64-89. It is not clear whether Oracle did not locate responsive documents, Oracle will be producing responsive documents or Oracle is withholding all responsive documents based on a claim of privilege. Please identify Oracle's intent for these requests. To the extent Oracle is withholding documents on the basis of privilege, please produce a privilege log.

In its meet and confer correspondence, Oracle cites to cases that are not publically available for electronic retrieval. For example, in its April 5, 2017, letter, it cited to *OFCCP v. City Public Serv. of San Antonio*, *OFCCP v. Prudential Ins. Co.* and *OFCCP v. Volvo GM Heavy Trucks*. In its March 9, 2017, meet and confer letter, Oracle cited to *OFCCP v. Mississippi Power Co.* and to *OFCCP v. Am. Airlines, Inc.* None of these five cases are publically available for electronic retrieval, please provide them as you have insisted we should when citing such authority.

Please provide the information in response to the aforesaid 52 document production requests and copy of the five previously referenced cases by COB, Monday, April 17, 2017. Once we receive this information and cases, we can more fully respond to Oracle's meet and confer letter.

Thank you in advance for your anticipated cooperation,

Sincerely,

JANET M. HEROLD
Regional Solicitor

By: /s/ Norman E. Garcia
NORMAN E. GARCIA
Senior Trial Attorney

EXHIBIT 19

EXHIBIT 19

orrick

Orrick, Herrington & Sutcliffe LLP
400 Capitol Mall
Suite 3000
Sacramento, CA 95814-4497
+1 916 447 9200
orrick.com

J.R. Riddell

E jriddell@orrick.com
D (916) 329-7928
F +1 916 329 4900

April 14, 2017

Norman E. Garcia
Senior Trial Attorney
U.S. Department of Labor
90 Seventh Street, Suite 3-700
San Francisco, CA 94103

Re: *OFCCP v. Oracle America, Inc.*
OALJ Case No. 2017-OFC-00006

Mr. Garcia:

We are in receipt of your April 11, 2017 letter, in which you raise two issues related to Oracle's responses and objections to OFCCP's first and second sets of requests for production of documents.

Demand for Responses to 52 Requests for Production

We disagree with your statement that my April 5 letter failed to clarify whether Oracle will be producing documents in response to 52 of OFCCP's document requests. (Set #1: Nos. 8, 27-29; Set #2: Nos. 31, 33, 35-36, 38-40, 42-46, 48-51, 54, 57-61, 64-89.) Please refer to page 6 of that letter, which explains that for the reasons stated in the general objections and responses specific to each request, Oracle does not intend to produce documents in response to any request unless its responses affirmatively state that it will be producing responsive documents. Oracle has objected to each of the requests identified in the above parenthetical, and has not indicated it intends to produce documents. Therefore, based upon its objections, Oracle does not intend to produce documents in response to those requests. Additionally, and as mentioned in my previous correspondence, Oracle is willing to meet and confer regarding each of these specific requests.

Provision of Cited Decisions

Oracle will provide OFCCP with cited decisions that are not publicly available where possible; although we assume OFCCP has access to non-public OFCCP decisions. We note that your letter contends that Oracle cited but failed to provide a copy of *OFCCP v. Volvo GM Heavy Trucks.*, 1996-OFC-2 (ALJ, April 27, 1998). OFCCP's March 27, 2017 letter first cited the *Volvo* decision as support, and we cited it in our response. OFCCP did not provide the decision, but we assumed that you have the decision already. Please find a copy of the *Volvo* decision attached as **Exhibit A**. *OFCCP v. City Public Serv. of San Antonio* and *OFCCP v. Prudential Ins. Co.* are attached hereto as **Exhibits B and C**, respectively. *OFCCP v. Mississippi Power Co.* and *OFCCP v. Am. Airlines, Inc.* are

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cited in OFCCP's deskbook. We assume you have that as well, but if not, it is available at the following link:
https://www.oalj.dol.gov/PUBLIC/OFCCP/REFERENCES/REFERENCE_WORKS/OFCCPDESKBOOK.HTM.

Your closing notes that you'll be in a position to more fully respond with the information provided here. We look forward to hearing from you.

Sincerely,

J.R. Riddell

cc: Erin Connell
Gary R. Siniscalco

EXHIBIT 20

EXHIBIT 20

orrick

Orrick, Herrington & Sutcliffe LLP
The Orrick Building
405 Howard Street
San Francisco, CA 94105-2669
+1 415 773 5700
orrick.com

Erin M. Connell

E econnell@orrick.com
D +1 415 773 5969
F +1 415 773 5759

August 3, 2017

Via E-Mail

Marc Pilotin
Trial Attorney
Office of Solicitor
90 7th Street, Suite 3-700
San Francisco, CA 94103

Re: OFCCP v. Oracle America, Inc. Redwood Shores, California (OALJ Case No. 2017-OFC-00006)

Dear Mr. Pilotin:

I write in response to your letter from yesterday (August 2, 2017), as well as to memorialize and respond to yesterday afternoon's meet and confer discussion about the issues identified in your letter as well as several additional issues.

I. OFCCP's Database-Related Requests

A. ORS Data

As an initial matter, I explained that we maintain our objection to production of data from the ORS system for the same reasons set forth in J.R. Riddell's meet and confer letter dated July 11, 2017; we do not believe that the burden of manually reviewing and producing the data from a standalone system that has not been used for three years is proportionate to the needs of the case, especially where, as we discussed yesterday, to the extent there is data from ORS that was also captured in iRecruitment such as recruiter name, candidate's prior work experience, candidate's resume, etc., you will be receiving that data.

Following our discussion, I asked whether the parties have a remaining dispute on ORS data that will need to be raised with Judge Larsen. You said you would get back to us on the issue, and I requested that you let us know by today in light of the impending meet and confer deadline.

B. Scope of Database Production

In your letter dated August 2, you requested that we inform you of any additional objections that we have not raised regarding production of the data you requested in your June 30 letter. As I explained yesterday, our objection to production of the ORS data is the only remaining substantive objection we have to those requests, but there are several caveats to our agreement to produce data subject to your June 30 requests that I also outlined on the call—specifically, for your requests for compensation-related data, our production will be limited to employees at HQCA during the

relevant period in Product Development, IT, and Support, and for your requests for hiring and recruiting-related data, our production will be limited to employees from the relevant period for the PT1 job group at HQCA.

C. College Recruiting Email Inbox

I also reiterated that Oracle is not able to provide "All Resumes submitted to recruiting mailbox" as requested in your June 30 letter due to the fact that this inbox is cleared out at the close of each fiscal year and those emails are not recoverable. You asked whether there are any emails available from this inbox for the most recent fiscal year, and I said we would get back to you on that. Upon further investigation, our understanding is that the inbox still contains emails from FY2017, which recently ended earlier this year, and Oracle agrees to collect and produce non-privileged, responsive documents from this inbox that are related to the PT1 job group for the relevant period as determined by Judge Larsen.

D. Performance Evaluation Screenshot(s)

As I noted on the call, we are following up with the relevant client contacts to obtain the documents that we agreed to produce in response to RFP No. 52 and will provide them to you as soon as possible.

II. OFCCP Notice of Deposition for Joyce Westerdahl

As we discussed on the call, Oracle filed its objections to OFCCP's notice of deposition for Joyce Westerdahl yesterday. OFCCP acknowledged receipt of those objections, and I explained that our objections to producing Ms. Westerdahl are based on timing and location, as she does not reside in the Bay Area. You said you would get back to us regarding scheduling of this and the other depositions requested in your July 7 notices at some later point.

III. Scheduling Issues

A. OFCCP's Proposed Production Schedule

You asked us again whether we are able to provide a specific date by which all of the database information you requested in your June 30 letter would be produced. You told us that you intend to seek a production schedule from the Court that will include a timeline for the production of this information. In response, I explained that we still cannot commit to a specific date at this time. I told you that we are speaking with individuals at Oracle on a daily basis to ensure that we will be able to successfully pull and produce the data you have requested. I also informed you that there is

a team of at least seven Oracle employees who are working almost full-time on your data request at this point. You asked us whether we could promise production within a month or two months, and while I said that we are certainly hopeful that production will occur within this timeframe, Oracle cannot make an absolute commitment to a date, including because we still do not have an order from the Court confirming the relevant time period.

I also explained that any proposed production schedule would be premature when the parties are still debating the scope of discovery at issue. Although we have reached agreement on a number of issues in the last week, there are still remaining areas where the parties have not agreed on the appropriate scope of discovery or production. In particular, the most burdensome and time-consuming requests are those related to emails (which are discussed in greater detail in Section VII below).

B. OFCCP's Proposal Regarding Scheduling of Fact Discovery and Hearing

On yesterday's call, we also discussed OFCCP's proposed revised schedule for this case, including new deadlines for fact discovery and for the hearing. I indicated that Oracle was open to the idea of a joint request to modify the case schedule. Following our meet and confer on this issue and after discussing it internally, I can confirm that Oracle does not oppose OFCCP's proposed request for a continuation of the hearing (and related dates).

You also mentioned on yesterday's call that OFCCP will be requesting monthly case management conferences with the Court. I stated that Oracle has no substantive objection to this request. Upon further reflection, I now also underscore that Oracle may seek more frequent or additional case management conferences should that prove necessary as a result of OFCCP's continued failure to provide appropriate or meaningful responses to Oracle's discovery requests.

IV. <u>OFCCP's Requests for Production</u>

A. RFP No. 83: Employee Contact Information

During our call, you confirmed that OFCCP has rejected Oracle's proposed compromise on contact information, including the use of a *Belaire* notice prior to releasing any such information. More fundamentally, **you confirmed that OFCCP remains unwilling to compromise in any way with respect to its request for contact information**. As you know OFCCP has requested contact information for *all current and former employees* who worked in the PT 1 job group, Product Development, IT and Support during the relevant time period. As drafted, Request No. 83 is not even limited to Oracle's headquarters location ("HQCA"), which is the only location at issue in this case. It also is not limited to the purported class of victims within those job functions and job group

– instead, it asks for contact information for everyone. Indeed, as the PT1 job group, OFCCP's claim is for hiring and recruiting discrimination. Accordingly, the purported "victims" are applicants – not employees, making it wholly inappropriate that OFCCP's request for contact information includes employees in the PT 1 job group. Request No. 83 also seeks not only name and home address, but also home phone number, mobile number, and home and personal email addresses. Even if OFCCP is willing to limit its request to HQCA, it still encompasses the contact information for thousands of current and former employees (including managers). And, even if this request was limited to the time period at issue in the audit (which it is not), it would entail contact information for more than 5,000 Oracle employees.

In support of OFCCP's refusal to compromise, you cite one case: *Benedict v. Hewlett-Packard Co.*, No. 13-CV-0119-LHK, 2013 WL 3215186 (N.D. Cal. June 25, 2013). We have analyzed *Benedict* and find it entirely distinguishable. Because you are listed as plaintiff's counsel on that case, you surely are aware of the many ways in which the facts and circumstances in *Benedict* differ from the facts and circumstances here. First, *Benedict* involved only the disclosure of contact information for the putative class members that the named plaintiffs sought to represent. OFCCP's request for contact information is far broader than the purported class of victims here. Second, the class members whose contact information was at issue in *Benedict* were not management employees. As we discussed yesterday, you are seeking the personal contact information for managers all the way up to the level of Thomas Kurian, and for whom Oracle has a right to have a representative present for any discussions with OFCCP about this case. As we also discussed yesterday, some of the managers whose contact information you seek are responsible for making compensation and hiring decisions as to other class members. This too, presents a conflict of interest not present or addressed in *Benedict*.

Furthermore, in *Benedict*, the court's decision not to order a *Belaire* process was based on the fact that HP has a "Global Master Privacy Policy," which "effectively puts employees on notice that their personal information may be transferred to third parties under certain conditions." *Benedict v. Hewlett-Packard Co.*, 2013 WL 3215186 at *2. Oracle has no such policy. The court further based its decision not to require a *Belaire* notice on the fact that all employee contact information would be designated under the protective order as "Highly Confidential – Attorney's Eyes Only," which presumably meant it could be shared only with counsel, and also meant that it could be used only for the purposes of the *Benedict* litigation, and would "require destruction of the Class List upon final disposition of the action." *Id.* at *1, *2. Here, none of those protections exist. Instead, once disclosed, you would be permitted to share the contact information with OFCCP, OFCCP would be permitted to use the contact information in other matters involving Oracle, and OFCCP would be

allowed to maintain the employee contact list in perpetuity.[1] Indeed, as you know, OFCCP insisted on these terms when negotiating the protective order.

Moreover, the contact information ordered produced in *Benedict* included *only* name, last known address, job title and dates in that position. Importantly, it did *not* include emails addresses or phone numbers. The *Benedict* court specifically acknowledged that phone numbers were not at issue, and distinguished this fact from situations where contact information requests did include phone numbers. *Id.* at *2 (citing *Willner v. Manpower, Inc.*, No. 11–2846 JST (MEJ), 2013 U.S. Dist. LEXIS 43821, at *6–7 (N.D.Cal. March 27, 2013) for the proposition that an "opt-out procedure was unnecessary for disclosure of names and addresses of putative class members, but would be required if phone numbers were requested").

In short, *Benedict* does not apply here. OFCCP's request for contact information is grossly overbroad. To the extent any contact information is disclosed, it must be limited to purported victims, and it must be subject to a *Belaire* notice given that the protective order governing this case does not contain the protections that existed in *Benedict*.[2] Moreover, your argument that the *Google* decision's numerical limits do not apply is unconvincing. Contrary to your arguments, OFCCP's request for contact information here *does* encompass several thousand current and former employees, just like in *Google*. Moreover, Judge Berlin in *Google* did not address the privacy concerns Oracle raises here, nor did he address the concern about disclosing the contact information of managers at Oracle – who not only can bind the company, but who also are responsible for making the compensation and hiring decisions at issue in the present litigation.

For all of these reasons, Oracle maintains its position that the appropriate course forward is disclosure of contact information for a limited number of individual contributor (*i.e.*, non-manager) class members subject to a *Belaire* procedure that puts them on notice that their contact information will be disclosed, and gives them the opportunity to object to such disclosure. We previously suggested 20 percent as a numerical limit, and continue to believe that is an appropriate sampling.

---

[1] Given the concerns Judge Berlin raised in *Google* about potential data breaches, this fact is particularly germane.

[2] As we discussed on the call, it does not matter that the plaintiff here is a federal agency. The constitutionally protected privacy rights at issue belong to Oracle's employees and former employees, and are not waived by virtue of the fact that their employer is a government contractor who was sued by OFCCP. You have cited no case law for the proposition that employees waive their privacy rights when they become employed by a federal contractor, and we are aware of no such authority.

Please let us know if OFCCP is willing to accept this proposal, has a counter-proposal, or continues to maintain its position that it will not compromise in any way.

B. RFPs Related to Transfer Employees

On yesterday's call, I confirmed that the understanding reflected in your letter dated August 2, 2017 regarding Oracle's production of documents and data related to transfer employees is correct, subject to the more limited definition of transfer employee that you outlined in our meet and confer dated July 27, 2017, and as reflected in my letter dated July 28, 2017.

C. RFP No. 65: Various Practice, Policy or Procedure Documents

As noted yesterday, Oracle withdraws its objections to this request as modified and clarified in your letter dated August 2, 2017. However, as I noted on our call, Oracle's withdrawal of its objections to this request is made in the spirit of compromise and in no way amounts to a concession that job assignments are relevant to this litigation (they are not).

D. RFP Nos. 67, 68, and 69

With respect to these requests, you proposed limiting the scope of the employee complaints, lawsuits, or other surveys/summaries/reports or presentations covered by these requests to include any allegations of race or gender discrimination involving the PT 1 job group or the Product Development, IT or Support lines of business at HQCA during the relevant time period. We believe this scope continues to be overbroad. Rather, we propose the following scope: employee complaints, lawsuits, or other surveys/summaries/reports or presentations regarding race discrimination in the PT 1 job group at HQCA during the relevant time period, and employee complaints, lawsuits, or other surveys/summaries/reports or presentations regarding race or gender discrimination in Product Development, IT or Support at HQCA during the relevant time period. Please let us know if this proposal on scope is agreeable.

As for the types of internal "complaints" that Oracle is willing to produce in response to Request No. 67, I explained on our call that the challenge here is that Oracle does not "track" or have a central repository of all complaints made to its HR department, with the exception of complaints made to the ethics hotline. Thus, responding to this request as drafted would be incredibly burdensome and disproportionate to the case. We are still discussing with our client whether we can agree to produce complaints beyond those made through the ethics hotline or that were accompanied by a demand letter (the proposal I made in my July 31 letter). We will follow up on this issue as soon as we are able to do so.

E. RFP No. 70: Government Contracts

For RFP No. 70, you stated that OFCCP is open to a stipulation but requests a more precise figure regarding the value of Oracle's federal contracts. In response, Oracle agrees to provide more precise dollar amounts. We suggest a stipulation whereby Oracle stipulates that it has been a covered federal contractor for over 20 years and the total amount of its government contracts has exceeded $100 million each year since 2013. Please let us know if this proposal is acceptable.

F. RFP Nos. 78, 79, 80, 87, and 88

Following the exchange of correspondence this week and our meet and confer discussions yesterday, the parties agree that they are not able to reach agreement on these requests and that they will need to be raised with Judge Larsen.

G. RFP No. 54

For RFP No. 54, I confirmed yesterday that Oracle will produce responsive, non-privileged documents in response to this request in light of the written clarification found in your letter dated August 2, 2017.

H. RFP Nos. 27 and 28: Employee Referral Program

As we discussed yesterday and as reflected in my letter dated July 31, 2017, Oracle agrees to produce documents sufficient to identify those persons who were hired as a result of Oracle's Employee Referral Program during the relevant time period. For RFP No. 28, as of the time of my July 31 letter, we were still working with the client to determine whether and how we would be able to provide documents sufficient to identify which employees received bonuses as a result of the program during the relevant time period. As noted yesterday, however, we can now confirm that we will be able to provide you with documents sufficient to identify those employees who received bonuses due to the program.

I. RFP No. 29: Documents Related to Affirmative Defenses

In light of your proposed modification to this request, which addresses our primary objections premised on the attorney work product and attorney-client privileges, Oracle agrees to produce responsive, non-privileged documents.

J. RFP No. 64

As noted yesterday, Oracle agrees to produce responsive, non-privileged documents in response to RFP No. 64, pursuant to the modification reflected in your letter dated August 2, 2017.

V. Production of Policy Documents

You asked us whether Oracle has completed its production of all policies, practices, and procedures as of now. We are still confirming this point, and will follow up as soon as we have an answer.

VI. Scope of OFCCP's Requests Relating to Recruiting and Hiring Claims

On yesterday's call, I asked you for clarification regarding OFCCP's position on the scope of its recruiting and hiring discrimination claim, as well as the discovery requests that relate to it. In response, OFCCP confirmed that it is limiting this claim to the PT 1 job group at HQCA, and therefore its discovery requests related to this claim seek only data and documents for the PT1 job group, as opposed to both the PT1 job group and the Product Development line of business.

VII. Review and Production of Email in Response to Certain Requests

For the first time and only two days before the close of the meet and confer process, OFCCP indicated that it was willing to consider Oracle's repeated invitations to discuss an approach to narrowing OFCCP's overbroad and disproportionate requests for emails. Your colleague, Laura Bremer, noted that Norm Garcia's June 30 letter requests that Oracle produce all of its past and future search terms by July 14; however, as J.R. Riddell explained in his July 11 letter, this request was not only untenable but made no sense in light of the fact that we were still engaged in seeking clarification on many of your RFPs before we could even begin to know what we were searching for, let alone which search terms we would use in those searches. We have repeatedly made our position clear during the meet and confer process that it is OFCCP's burden to justify or narrow the scope of its incredibly broad and disproportionate requests. *See Gilead Sciences, Inc. v. Merck & Co.*, No. 5:13-cv-04057, 2016 WL 146574, at *1 (N.D. Cal. Jan. 13, 2016) ("a party seeking discovery of relevant, non-privileged information must show, before anything else, that the discovery sought is proportional to the needs of the case"). To that end, we have invited OFCCP on multiple occasions—including in our Amended and Supplemental Reponses and Objections themselves—to work with us on ways to limit these requests in a meaningful and tailored way. The fact that OFCCP now wishes to discuss these issues three weeks after our Amended Responses and Objections were filed and months after we first raised this possibility is concerning and frustrating to say the least.

On yesterday's call, we specifically discussed a number of your requests that, as currently written, would require the collection, review, and production of thousands of emails. OFCCP asked that Oracle provide additional information and "metrics" to support its claims that OFCCP's requests are overly burdensome as well as proposals for how to mitigate that burden through search terms and sampling. Oracle now responds as follows:

A. RFP No. 17: Communications with Domestic Colleges and Universities

In response to this request, Oracle has collected the emails of sixteen custodians in College Recruiting (including Larry Lynn and Chantal Dumont). Collectively, these custodians have 620,938 documents for the period of January 1, 2013 to January 17, 2017.

Oracle proposes limiting the number of documents for review through the use of search terms consisting of the domain name addresses for the universities identified in the so-called "College Recruiting Sourcing Handbook" as the schools from which Oracle actively recruits. For example, this search would include any correspondence to or from a person with an email address ending in @stanford.edu, @yale.edu, @caltech.edu, etc. Once that is done, Oracle is willing to review and produce responsive documents from any sample month of OFCCP's choosing from the 1/1/13 to 6/30/14 time period and any sample month of OFCCP's choosing beyond the 6/30/14 time period that is within the relevant period as determined by the ALJ.

B. RFP Nos. 18 and 22: Communications with College Recruiters And Interview Notes

Request No. 18 implicates the same sixteen custodians as RFP 17. As noted above, these custodians have 620,938 documents for the period of January 1, 2013 to January 17, 2017.

With respect to interview notes, as we have noted before, there is no central repository for interview notes related to the hiring process (although Request No. 22 specifically notes that it includes a request for emails that might reflect notes or records of interviews).

Oracle proposes limiting the number of documents for review, and that are potentially responsive to these requests, through the use of search terms consisting of the names of all college applicants to PT1 positions during the relevant period. Following this search, Oracle is willing to review and produce responsive documents from any sample month of OFCCP's choosing from the 1/1/13 to 6/30/14 time period and any sample month of OFCCP's choosing beyond the 6/30/14 time period that is within the relevant period as determined by the ALJ.

C. RFP Nos. 24 and 25 (Larry Lynn and Chantal Dumont)

For Larry Lynn, Oracle has collected a total of 44,344 documents for the period of January 1, 2013 to January 17, 2017. For Chantal Dumont, Oracle has collected a total of 86,942 documents for the period of January 1, 2013 to January 17, 2017. As part of Oracle's proposal for RFP Nos. 17 and 18, which are described above, their emails would be included in the set of documents to be searched, and following this search, Oracle would produce responsive documents from any sample month of OFCCP's choosing from the 1/1/13 to 6/30/14 time period and any sample month of OFCCP's choosing beyond the 6/30/14 time period that is within the relevant period as determined by the ALJ.

D. RFP Nos. 39, 40, 42-45: Communications Related to Experienced Recruits and Transfers

These requests seek all communications with recruiters related to hiring experienced recruits, all interview notes or records for experienced recruits, and all communications "stating, summarizing, supporting, or explaining" any decisions on the hiring process for an experienced recruit, respectively.

As we have noted before, there was no central repository for interview notes related to the hiring process. And as we have also explained, "all communications" regarding the hiring process for an applicant to a requisition seeking an experienced recruit would potentially include the emails of hundreds of Oracle's hiring managers.

Nevertheless, in response to this request, Oracle has collected the emails of 38 custodians in Professional Recruiting. Collectively, these custodians have 767,283 documents for the period of January 1, 2013 to January 17, 2017. Oracle proposes limiting the number of documents for review through the use of search terms consisting of the names of applicants to PT1 positions at HQCA during the relevant period and all requisition numbers associated with PT1 positions at HQCA during the relevant period. Following this search, Oracle is willing to review and produce responsive documents to these requests from any sample month of OFCCP's choosing from the 1/1/13 to 6/30/14 time period and any sample month of OFCCP's choosing beyond the 6/30/14 time period that is within the relevant period as determined by the ALJ.

E. RFP 46: Joyce Westerdahl's Emails

For Joyce Westerdahl, Oracle has collected a total of 29,502 documents for the period of January 1, 2013 to January 17, 2017. As a senior executive with only limited knowledge of the relevant facts of this litigation, Ms. Westerdahl's emails are of limited relevance to this matter. As written, OFCCP's

request seeks a variety of documents of no relevance to this case, including "promotions," "retaliation," "unfair treatment," and "hostile work environment" among other things. Accordingly, Oracle proposes limiting the number of documents for review through the following search terms:

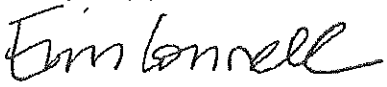
- compensation w/10 (Support or "Information Technology" or IT or "Product Development")
- (hir! OR recruit!) w/10 ("Professional Technical" OR PT1)

Following this search, Oracle is willing to review and produce responsive documents to these requests to the extent they relate to compensation for the Product Development, IT, and Support lines of business or hiring or recruiting for the PT1 job group from any sample month of OFCCP's choosing from the 1/1/13 to 6/30/14 time period and any sample month of OFCCP's choosing beyond the 6/30/14 time period that is within the relevant period as determined by the ALJ.

* * *

Please let us know of these proposed compromises are acceptable.

Very truly yours,



Erin M. Connell

EXHIBIT 21

EXHIBIT 21

orrick

Orrick, Herrington & Sutcliffe LLP
The Orrick Building
405 Howard Street
San Francisco, CA 94105-2669
+1 415 773 5700
orrick.com

Erin M. Connell

E econnell@orrick.com
D +1 415 773 5969
F +1 415 773 5759

August 7, 2017

Via E-Mail

Marc Pilotin
Trial Attorney
Office of Solicitor
90 7th Street, Suite 3-700
San Francisco, CA 94103

Re: OFCCP v. Oracle America, Inc. Redwood Shores, California (OALJ Case No. 2017-OFC-00006)

Dear Mr. Pilotin:

I write in response to your letter on Friday (August 4, 2017), as well as to memorialize the discussion from our meet and confer call earlier today (August 7, 2017).

I. Employee Contact Information

We agree that the parties are at impasse on this issue and will need to raise it with Judge Larsen. As I noted on our call today, however, your letter does not accurately reflect Oracle's position as discussed on Friday. Although I did ask if OFCCP would be willing to consider an attorney's eyes only ("AEO") provision in the protective order, I did not affirmatively state Oracle was insisting upon it in addition to a *Belaire* notice. My understanding from our discussion is that an AEO provision is not something OFCCP is willing to consider. Additionally, I explained that in cases where courts do not require a *Belaire* process, there is usually an AEO provision in place. I also explained that courts frequently require a *Belaire* process where emails and phone numbers are involved, and I asked if OFCCP would agree to limit its request to mailing addresses only. My understanding from the call is that OFCCP is not willing to limit its request in this way.

II. RFP No. 67: Internal Complaints

In your letter dated August 4, 2017, you acknowledged Oracle's proposal regarding this request and requested that Oracle add documents regarding "any verbal complaints made to the HR managers identified in Oracle's proposal." After reviewing your request, we agree to modify our prior proposal from my letter dated August 3, 2017, to include a reasonably diligent search for and production of documents reflecting such verbal complaints. This is, of course, subject to those documents being "relevant" in terms of the scope proposed in my letter dated August 3, 2017, and to which you agreed on last Friday's call.

III. RFP No. 70: Government Contracts

For RFP No. 70, you agreed on Friday's call to our proposal from August 3, 2017 whereby Oracle will stipulate that it has been a covered federal contractor for over 20 years and the total amount of its government contracts has exceeded $100 million each year since 2013.

IV. Review and Production of Email in Response to Certain Requests

As we discussed on today's call, Oracle acknowledges that any agreements reflected below are made without prejudice to OFCCP's ability to review the documents produced by Oracle and make a request for the review and production of additional documents it determines are necessary based on these initial productions. Similarly, Oracle maintains its objections to many of these requests.

A. RFP Nos. 17, 18, and 22 (College Recruiting)

For RFP No. 17, we agree to the proposal in your letter dated August 4, 2017; Oracle will use the domain names for domestic colleges and universities from the College Recruiting Sourcing handbook as initial search terms for its review and production of documents from the period of January 1, 2013 to June 30, 2014.

For RFP No. 18, as we discussed on today's call, given the volume of documents for the custodians implicated by this request, we agree to your proposal that Oracle review and produce responsive, non-privileged documents from a three-month time period (to be chosen by OFCCP) for the relevant custodians without the use of search terms. You stated that you would get back to us shortly with the three-month time period.

For RFP No. 22, as I explained on today's call, Oracle's proposed search terms consist of the names of applicants that appear on the applicant data spreadsheets that were submitted to OFCCP during its initial compliance audit. You agreed to our proposal that Oracle's review will involve the use of these search terms on the relevant custodians for the January 1, 2013 to June 30, 2014 period.

B. RFP Nos. 39, 40 & 42-45 (Experienced Recruiting and Transfer Employees)

For RFP Nos. 42-45, you agreed to Oracle's proposal that it produce documents from the January 1, 2013 to June 30, 2014 time period that have been identified for review through the use of search terms on the emails of relevant custodians. To clarify my letter dated August 3, 2017, the set of documents to be reviewed for these requests will include documents that hit on search terms comprised of the names of experienced recruiting applicants to PT1 positions at HQCA OR the requisition numbers associated with PT1 positions at HQCA during the January 1, 2013 to June 30,

2014 time period. Documents that hit on either of these sets of search terms will be reviewed and need not be responsive to both.

For Request Nos. 39 and 40, similar to Request No. 18 discussed above, Oracle agrees to review and produce responsive, non-privileged documents from a three-month time period (to be chosen by OFCCP) for the relevant custodians without the use of search terms. You stated that you would get back to us shortly with the three-month time period.

C. RFP Nos. 24 & 25 (Larry Lynn and Chantal Dumont)

For Request No. 24 regarding the emails of Larry Lynn, we agree to the proposal in your letter dated August 4, 2017.

For Request No. 25 regarding the emails of Chantal Dumont, as I explained on our call today, Ms. Dumont's volume of emails from the January 1, 2013 to June 30, 2014 period necessitates either the use of search terms or a smaller sample period than initially proposed in your letter. You said that a three-month review period similar to that discussed for Request Nos. 18, 39, and 40 would be sufficient, and you said you would get back to us on that precise period later today.

D. RFP No. 46 (Joyce Westerdahl)

For Joyce Westerdahl, Oracle is willing to agree to the review and production of her emails from the January 1, 2013 to June 30, 2014 period without the prior use of search terms subject to your modification of RFP No. 46 as outlined in your letter dated August 4, 2017. (I also noted that, to the extent that Ms. Westerdahl has any documents that relate to gender discrimination related to a position in the PT1 job group that falls within the narrow subset of jobs outside the Product Development, Support, or IT lines of business, those documents would not be considered relevant and responsive.)

You stated that you had originally anticipated that Oracle would review Ms. Westerdahl's emails from the January 1, 2013 to January 17, 2017 time period without the use of any search terms; however, as I explained in my letter dated August 3, 2017 and on today's call, this would be unduly burdensome and disproportionate because Ms. Westerdahl has almost 30,000 documents from this time period. Accordingly, you stated you would speak with your team about potentially limiting your request to the January 1, 2013, to June 30, 2014 time period or a three-month sample period, and that you would get back to us shortly. I further note that any agreement by OFCCP to limit Oracle's initial search of Ms. Westerdahl's emails to the January 1, 2013, to June 30, 2014 time period would be without prejudice to OFCCP's ability to later argue that a similar review of her

emails for the longer time period is appropriate, based on OFCCP's review of the initial set of emails produced.

Very truly yours,

Erin Connell /gsa

Erin M. Connell

EXHIBIT 22

EXHIBIT 22

orrick

Orrick, Herrington & Sutcliffe LLP
The Orrick Building
405 Howard Street
San Francisco, CA 94105-2669
+1 415 773 5700
orrick.com

Erin M. Connell

E econnell@orrick.com
D +1 415 773 5969
F +1 415 773 5759

August 16, 2017

Via E-Mail

Marc Pilotin
Laura Bremer
Office of Solicitor
90 7th Street, Suite 3-700
San Francisco, CA 94103

Re: OFCCP v. Oracle America, Inc. Redwood Shores, California (OALJ Case No. 2017-OFC-00006)

Dear Marc and Laura:

As discussed during our meet and confer call yesterday (August 15, 2017), in light of the ALJ's comments during our telephonic conference on August 14, 2017, and in the interest of limiting the issues to be presented to the ALJ for resolution, Oracle hereby amends and supplements its responses and objections to OFCCP's Requests for Production Nos. 71, 72, 78, 79, 80, 87, and 88 as set forth below. As we discussed yesterday, these amended and supplemental responses confirm that notwithstanding Oracle's objections, no responsive documents exist with respect to Request Nos. 71, 72, 78, 79, 87, and 88. They further confirm that notwithstanding Oracle's objections, Oracle will produce responsive documents to Request No. 80 that relate to OFCCP's allegation of recruiting and hiring discrimination in the PT 1 job group, and that relate to OFCCP's allegation of compensation discrimination in the Product Development, Support, and IT lines of business. We believe these amended and supplemental responses negate the need for motion practice as to these particular requests for production. Please confirm if your position is otherwise.

REQUEST FOR PRODUCTION NO. 71:

YOUR internal pay equity analyses conducted pursuant to 41 C.F.R. § 60-2.17 for the RELEVANT TIME PERIOD, including the date of analysis and dataset(s) used for the analysis.

RESPONSE TO REQUEST FOR PRODUCTION NO. 71:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request as overbroad in scope, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the

extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the ground that it calls for a legal conclusion; specifically, as Oracle noted in its meet and confer letter dated June 9, 2017, this request, by referring to a regulation, requires Oracle to read, research, and apply the regulation to the request, which inherently requires a legal analysis of the regulation and its applicability. Oracle further objects to this request on the ground that it requires Oracle to refer to materials outside the request itself.

Oracle further objects to the false premise suggested by this request that Oracle was obligated under 41 C.F.R. § 60-2.17 to perform an "internal pay equity analysis," a term not found in the regulation itself, or in any authority interpreting the regulation. Subject to and without waiving these objections, Oracle responds that, after undertaking a reasonably diligent search, Oracle has determined that it does not have responsive documents to this request in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 72:

All DOCUMENTS RELATING TO actions taken during the RELEVANT TIME PERIOD in response to YOUR internal pay equity analyses conducted pursuant to 41 C.F.R. § 60-2.17.

RESPONSE TO REQUEST FOR PRODUCTION NO. 72:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the ground that it calls for a legal conclusion; specifically, as Oracle noted in its meet and confer letter dated June 9, 2017, this request, by referring to a regulation, requires Oracle to read, research, and apply the regulation to the request, which inherently requires a legal analysis of the regulation and its applicability. Oracle further objects to this request on the ground that it requires Oracle to refer to materials outside the request itself.

Oracle further objects to the false premise suggested by this request that Oracle was obligated under 41 C.F.R. § 60-2.17 to perform an "internal pay equity analysis," a term not found in the regulation itself, or in any authority interpreting the regulation. Subject to and without waiving these objections, Oracle responds that, after undertaking a reasonably diligent search, Oracle has

determined that it does not have responsive documents to this request in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 78:

ADVERSE IMPACT ANALYSES, as required by 41 C.F.R. § 60-3.15A, performed by YOU or any other PERSONS acting or purporting to act on YOUR behalf or at YOUR direction for the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 78:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the ground that it calls for a legal conclusion; specifically, as Oracle noted in its meet and confer letter dated June 9, 2017, this request, by referring to a regulation, requires Oracle to read, research, and apply the regulation to the request, which inherently requires a legal analysis of the regulation and its applicability. Oracle further objects to this request on the ground that it requires Oracle to refer to materials outside the request itself.

Oracle further objects to the false premise embedded in this request that Oracle was required under 41 C.F.R. § 60-3.15A to perform an "adverse impact analysis." Section 60-3.15A sets forth guidelines for "[u]sers of selection procedures," and, as Oracle noted in its letter to ALJ Larsen dated August 8, 2017, OFCCP has not alleged that Oracle used an employee selection device that has an adverse impact, let alone identified any employee selection procedure at issue in this litigation. Subject to and without waiving these objections, Oracle responds that, after undertaking a reasonably diligent search, Oracle has determined that it does not have responsive documents to this request in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 79:

Evaluations of each step or component of the selection (i.e., HIRING) process, as described in 41 C.F.R. § 60-3.4(C), for positions in the PT1 job group and/or Product Development line of business for the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 79:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the ground that it calls for a legal conclusion; specifically, as Oracle noted in its meet and confer letter dated June 9, 2017, this request, by referring to a regulation, requires Oracle to read, research, and apply the regulation to the request, which inherently requires a legal analysis of the regulation and its applicability. Oracle further objects to this request on the ground that it requires Oracle to refer to materials outside the request itself.

Oracle further objects to the false premise suggested by this request that Oracle was obligated under 41 C.F.R. § 60-3.4(C) to perform evaluations of each step or component of its hiring process. Section 60-3.4(C) set forth guidelines for "users" of employee selection procedures, and suggests an evaluation of individual components of the hiring process only where "the total selection process for a job has an adverse impact." But as Oracle noted in its letter to ALJ Larsen dated August 8, 2017, OFCCP has not alleged that Oracle used an employee selection device that has an adverse impact, let alone identified any employee selection procedure at issue in this litigation. Subject to and without waiving these objections, Oracle responds that, after undertaking a reasonably diligent search, Oracle has determined that it does not have responsive documents to this request in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 80:

In-depth analyses of the total employment process, as required in 41 C.F.R. § 60-2.17(b), for positions in the PT1 job group or Product Development, Information Technology, and/or Support lines of business for the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 80:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney

work product doctrine. Oracle further objects to this request on the ground that it calls for a legal conclusion; specifically, as Oracle noted in its meet and confer letter dated June 9, 2017, this request, by referring to a regulation, requires Oracle to read, research, and apply the regulation to the request, which inherently requires a legal analysis of the regulation and its applicability. Oracle further objects to this request on the ground that it requires Oracle to refer to materials outside the request itself.

Oracle further objects to the extent that this request seeks non-relevant information (for example, related to promotions and terminations) as referenced in 41 C.F.R. § 60-2.17(b)(2).

During its meet and confer with OFCCP on June 5, 2017, Oracle explained its objections and requested that OFCCP clarify and explain this request. Following OFCCP's explanation, Oracle requested that OFCCP provide a clarified or modified request in writing. Despite OFCCP's failure to provide a clarified or modified request, and subject to and without waiving its objections, Oracle responds that it will, after conducting a reasonably diligent search, produce responsive, non-privileged documents in its possession, custody or control relating to hiring and recruiting for positions in the PT1 job group, and relating to compensation for Product Development, IT, and Support jobs for the ALJ Relevant Period.

REQUEST FOR PRODUCTION NO. 87:

All DOCUMENTS RELATING TO validity studies or evaluations that YOU or someone on YOUR behalf conducted RELATING TO any step or component of the HIRING process for employees in the PT1 job group and Product Development line of business during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 87:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. During the meet and confer process, Oracle requested that OFCCP clarify the specific tests or selection procedures relevant to OFCCP's hiring claims on which Oracle would have conducted validity studies. OFCCP declined to specify and instead reiterated that this request is for any validity study that was conducted in relation to the hiring process. Due to OFCCP's lack of limitation or clarification, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the phrases "validity studies or evaluations" and "any step or component." Oracle further objects to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor

proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

Oracle further objects to the false premise suggested by this request that Oracle was obligated to conduct "validity studies or evaluations" relating to each "step or component" of its hiring process. As with Request Nos. 78 and 79, these requests appear to refer to concepts contained in the Uniform Guidelines on Employee Selection Procedures. But as Oracle noted in its letter to ALJ Larsen dated August 8, 2017, OFCCP has not alleged that Oracle used an employee selection device that has an adverse impact, let alone identified any employee selection procedure at issue in this litigation. Subject to and without waiving these objections, Oracle responds that, after undertaking a reasonably diligent search, Oracle has determined that it does not have responsive documents to this request in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 88:

All DOCUMENTS RELATING TO validity studies or evaluations that YOU or someone on YOUR behalf conducted RELATING TO any step or component of the COMPENSATION determination process for employees in the Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD.

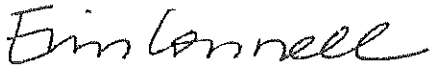
RESPONSE TO REQUEST FOR PRODUCTION NO. 88:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. During the meet and confer process, Oracle requested that OFCCP clarify the specific tests or selection procedures relevant to OFCCP's compensation claims on which Oracle would have conducted validity studies. OFCCP declined to specify and instead reiterated that this request is for any validity study that was conducted in relation to the compensation process. Due to OFCCP's lack of limitation or clarification, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the phrases "validity studies or evaluations" and "any step or component." Oracle further objects to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

Oracle further objects to the false premise suggested by this request that Oracle was obligated to conduct "validity studies or evaluations" relating to each "step or component" of its compensation determination process. As with Request Nos. 78 and 79, these requests appear to refer to concepts contained in the Uniform Guidelines on Employee Selection Procedures. But as Oracle noted in its

letter to ALJ Larsen dated August 8, 2017, OFCCP has not alleged that Oracle used an employee selection device that has an adverse impact, let alone identified any employee selection procedure at issue in this litigation. Subject to and without waiving these objections, Oracle responds that, after undertaking a reasonably diligent search, Oracle has determined that it does not have responsive documents to this request as currently drafted in its possession, custody or control.

Very truly yours,



Erin M. Connell

cc: Gary Siniscalco
Warrington Parker

EXHIBIT 23

EXHIBIT 23

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS, UNITED STATES DEPARTMENT OF LABOR, Plaintiff, v. ORACLE AMERICA, INC., Defendant.	OALJ Case No. 2017-OFC-00006 OFCCP No. R00192699

OFCCP'S THIRD SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS TO ORACLE AMERICA, INC.

Plaintiff the Office of Federal Contract Compliance Programs, United States Department of Labor ("OFCCP"), under 41 C.F.R. § 60-30.10, requests that Defendant Oracle America, Inc. ("Oracle") produce at the Office of the Solicitor, U.S. Department of Labor, 90 7th Street, Suite 3-700, San Francisco, California 94103, within 25 days after these requests are served, the documents requested below that are in Oracle's possession, custody, or control, or in the possession, custody, or control of any of its agents, representatives, attorneys, consultants, successors, subsidiaries, or divisions.

DEFINITIONS

1. "YOU" and "YOUR" mean Oracle America, Inc. and all of its agents, representatives, attorneys, accountants, consultants, successors, subsidiaries, or divisions.

2. "RELEVANT TIME PERIOD" means **January 1, 2013 to the present** unless otherwise stated.

3. "ANALYSES" means any and all draft and final narratives, summaries, chronologies, determination memorandums, statistical summaries, charts, matrices, spreadsheets, audits, evaluations, studies, methodologies, models, actual computations, and regression and other statistical analysis.

4. "AND" and "OR" shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive.

5. "COMMUNICATIONS" means all transactions or transfers of information of any kind, whether orally, in writing, or in any other manner, at any time or place, under any circumstances whatsoever.

6. "COMPENSATION" means any payments made to, or on behalf of, an employee as remuneration for employment, including but not limited to, salary, wages, overtime pay, shift differentials, commissions, bonuses, merit pay or pay related to performance, vacation and holiday pay, retirement and other benefits, stock options and awards, and profit sharing.

7. "DOCUMENT" means all writings of any kind, including any written, printed, typed, electronically stored, or other graphic matter of any kind or nature and all mechanical or electronic sound recordings or transcripts thereof, in YOUR possession and/or control or known by YOU to exist, and also means all copies of documents by whatever means made, including, but not limited to: papers, letters, correspondence, emails, text messages, presentations, manuals, computerized files, computerized spreadsheets, telegrams, interoffice communications, memoranda, notes, notations, notebooks, reports, records, accounting books or records, schedules, tables, charts, transcripts, publications, scrapbooks, diaries, and any drafts, revisions, or amendments of the above, and all other materials enumerated in the definition provided in Rule 34 of the Federal Rules of Civil Procedure.

8. "OFCCP" means the Office of Federal Contract Compliance Programs, United States Department of Labor.

9. "PERSON" means without limitation individuals, firms, associations, partnerships, corporations, governmental agencies or offices and employees, and any other entity.

10. "RELATING TO" means constituting, memorializing, evidencing, containing, showing, supporting, contradicting, summarizing, pertaining to, or referring to, whether directly or indirectly, the subject of the particular request.

INSTRUCTIONS

1. Unless otherwise stated, these requests relate to Oracle's headquarters located at Redwood Shores, California.

2. In responding to these requests, furnish all information that is available to YOU. If, after exercising due diligence to secure the DOCUMENTS, YOU cannot produce the requested DOCUMENTS in full, respond to the extent possible, specifying YOUR inability to produce the remainder. If YOU object to any request, state with specificity the basis for the objection, decline to respond to only that portion of the request deemed objectionable, and respond to the balance of the request.

3. If any requested DOCUMENT was, but is no longer, in YOUR possession, custody, or control, or is no longer in existence, state whether such DOCUMENT is:

a. missing or lost;

b. destroyed;

c. transferred to others; or

d. otherwise disposed of.

For any DOCUMENT so disposed of, summarize the contents of the DOCUMENT in as much detail as possible. If the DOCUMENT is missing, lost, or destroyed, set forth the circumstances surrounding such disposition. If the DOCUMENT was transferred to others or otherwise disposed of, describe in detail the authorization for such disposition, state the date or closest approximate date known to YOU of such disposition, state the current location of the DOCUMENT, and identify the custodian of all copies of such DOCUMENT.

4. These requests are intended to cover all DOCUMENTS in existence or in effect at any time during the RELEVANT TIME PERIOD. If any responsive DOCUMENTS have changed over the RELEVANT TIME PERIOD, produce all responsive DOCUMENTS, regardless of whether they reflect policies, practices, or procedures that are no longer in effect.

5. With respect to the application of privileges: If YOU decline to produce any DOCUMENT or to otherwise provide information on the basis of a claim of privilege, so state in response to the DOCUMENT request. Any part of a DOCUMENT for which YOU do not claim a privilege must be produced. Furnish a complete log of any DOCUMENTS or portions of DOCUMENTS withheld on the basis of privilege, describing each such DOCUMENT or portion thereof in a manner that will enable OFCCP to assess the applicability of the privilege being asserted. This includes, without limitation, setting forth for each such DOCUMENT the dates the DOCUMENT was prepared and transmitted, to whom and from whom the DOCUMENT was transmitted, including copies thereof, the length of the DOCUMENT, the privilege(s) claimed, and the factual basis for the claim of privilege.

6. Under 41 C.F.R. § 60-30.1 and Rule 26(e) of the Federal Rules of Civil Procedure, these requests for production are continuing in nature and, to the extent that the responses may be enlarged, diminished, or otherwise modified by information acquired by YOU

or YOUR attorneys after filing this response, YOU and YOUR attorneys are required to promptly serve and file supplemental DOCUMENTS reflecting the changes.

7. The parties responding to these requests are charged with knowledge of what they know, what their agents, employees, servants, representatives, and attorneys know, what is in records available to them, and what others have told them on which they intend to rely in their defense.

8. All DOCUMENT productions made in response to these requests must comply with OFCCP's technical specifications previously provided.

REQUESTS FOR PRODUCTION OF DOCUMENTS

93. All DOCUMENTS RELATING TO any actions YOU took during the RELEVANT TIME PERIOD in response to any ANALYSES YOU conducted pursuant to 41 C.F.R. § 60-2.17(b) for YOUR Information Technology, Product Development and Support lines of business, including, but not limited to, all DOCUMENTS relating to action-oriented programs identified in 41 C.F.R. § 60-2.17(c).

94. All DOCUMENTS RELATING TO any actions YOU took during the RELEVANT TIME PERIOD in response to any ANALYSES YOU conducted pursuant to 41 C.F.R. § 60-3.15A for YOUR Information Technology, Product Development and Support lines of business.

95. All DOCUMENTS RELATING TO any ANALYSES YOU conducted of the COMPENSATION YOU provided to YOUR employees for YOUR Information Technology, Product Development and Support lines of business during the RELEVANT TIME PERIOD, including but not limited to, compensation audits YOU conducted; statistical ANALYSES YOU conducted, the "salary surveys," "equity studies," "Focal review(s)," "ad hoc analyses," and off-

cycle reviews" YOU conducted referenced by either Shauna Holman-Harries and / or Lisa Gordon in Lisa Gordon's January 9, 2015 interview at Bates stamp number ("BSN") DOL 584, 587-89; and the different analyses," "compensation analyses," "adverse impact analyses," "internal audits," and "internal self-audits" that YOU conducted that were referenced by Shauna Holman-Harries in her March 26, 2015, interview at BSN DOL 36769, 36772-73.

96. All DOCUMENTS RELATING TO any actions YOU took during the RELEVANT TIME PERIOD in response to any ANALYSES conducted pursuant to the previous document production request.

97. All DOCUMENTS RELATING TO "Oracle's evaluation of its compensation system" that Shauna Holman-Harries referenced in her June 2, 2015, e-mail at BSN DOL 1212 for YOUR Information Technology, Product Development and Support lines of business during the RELEVANT TIME PERIOD, including but not limited to, all of evaluations that YOU conducted, the underlying data and information considered in these evaluations, and the COMMUNICATIONS related to these evaluations.

98. All DOCUMENTS RELATING TO any actions YOU took during the RELEVANT TIME PERIOD in response to any evaluation conducted pursuant to the previous document production request.

99. All DOCUMENTS RELATING TO any ANALYSES YOU conducted of the selection procedures YOU used to recruit someone to work for YOU in the Information Technology, Product Development and Support lines of business during the RELEVANT TIME PERIOD.

100. All DOCUMENTS RELATING TO any actions YOU took during the RELEVANT TIME PERIOD in response to any ANALYSES conducted pursuant to the previous document production request.

101. All DOCUMENTS RELATING TO any ANALYSES YOU conducted of the selection procedures YOU used to hire someone to work for YOU in the Information Technology, Product Development and Support lines of business during the RELEVANT TIME PERIOD.

102. All DOCUMENTS RELATING TO any actions YOU took during the RELEVANT TIME PERIOD in response to any ANALYSES conducted pursuant to the previous document production request.

103. All DOCUMENTS RELATING TO the data, information and documents you provided to any person at Orrick, Herrington & Sutcliffe, LLP to conduct any ANALYSES and / or evaluation(s) referenced in document production request nos. 95 and 97, 99 and 101 including, but not limited to, the data, information and documents that YOU provided to Orrick, Herrington & Sutcliffe, LLP to conduct these ANALYSES and any data, information and documents Orrick, Herrington & Sutcliffe, LLP provided to YOU regarding the ANALYSES it conducted.

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104. All DOCUMENTS RELATING TO any actions YOU took during the RELEVANT TIME PERIOD in response to any ANALYSES and / or evaluation(s) conducted by Orrick, Herrington & Sutcliffe, LLP.

DATED: September 1, 2017

JANET M. HEROLD
Regional Solicitor

IAN ELIASOPH
Counsel for Civil Rights

LAURA C. BREMER
Senior Trial Attorney

/s/ Norman E. Garcia
NORMAN E. GARCIA
Senior Trial Attorney

Attorneys for OFCCP
Office of the Solicitor
United States Department of Labor
90 7th Street, Suite 3-700
San Francisco, California 94103
Tel: (415) 625-7747
Fax: (415) 625-7772
Email: garcia.norman@dol.gov

CERTIFICATE OF SERVICE

I am a citizen of the United States of America and am over eighteen years of age. I am not a party to the instant action; my business address is 90 Seventh St., Rm. 3-700, San Francisco, CA 94103.

On the date indicated below, I served the foregoing **OFCCP'S THIRD SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS TO ORACLE AMERICA, INC.** by electronic mail, by prior written agreement between counsel, to the following:

Connell, Erin M.: econnell@orrick.com

Kaddah, Jacqueline D.: jkaddah@orrick.com

James, Jessica R. L.: jessica.james@orrick.com

Siniscalco, Gary: grsiniscalco@orrick.com

I certify under penalty of perjury that the above is true and correct.

Executed: September 1, 2017

/s/ Norman E. Garcia
NORMAN E. GARCIA
Senior Trial Attorney

Office of the Solicitor
U.S. Department of Labor

EXHIBIT 24

EXHIBIT 24

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS, UNITED STATES DEPARTMENT OF LABOR, Plaintiff, v. ORACLE AMERICA, INC., Defendant.	OALJ Case No. 2017-OFC-00006 OFCCP No. R00192699 **DEFENDANT ORACLE AMERICA, INC.'S RESPONSES AND OBJECTIONS TO THIRD SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS**

PROPOUNDING PARTY: Plaintiff OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS, UNITED STATES DEPARTMENT OF LABOR

RESPONDING PARTY: Defendant ORACLE AMERICA, INC.

Pursuant to 41 C.F.R. § 60-30.10 and, as applicable, Federal Civil Procedure Rule 34, Defendant Oracle America, Inc. ("Oracle") responds to Plaintiff Office of Federal Contract Compliance Programs, United States Department of Labor's ("OFCCP") Third Set of Requests for Production of Documents ("Requests") as follows:

PRELIMINARY STATEMENT

Oracle has not completed its investigation of the facts related to this case and therefore its responses are of a preliminary nature. Further discovery, investigation, and research may bring to light additional relevant facts that may lead to changes in the responses set forth below. Although these responses are complete to the best of Oracle's knowledge at this time, these responses are given without prejudice to Oracle's right to amend its objections and responses or to produce additional relevant evidence that may come to light regarding the issues raised in this lawsuit. Nothing contained in these responses shall in any way limit Oracle's ability to make all uses at trial or otherwise of the information or documents referenced herein or of any subsequently discovered information or documents or of information or documents omitted from

these responses as a result of good faith oversight, error, or mistake.

For the reasons set forth in Oracle's Answer and its prior Responses and Objections to OFCCP's first two sets of Requests, Oracle's responses and productions responsive to the document requests related to OFCCP's recruiting and hiring claims are limited to the PT1 job group at Oracle's Redwood Shores, CA, location, and responses and productions responsive to the document requests related to OFCCP's compensation claims are limited to positions in the Product Development, Support, and Information Technology job functions at Oracle's Redwood Shores, CA, location.

These responses are made solely for purposes of this action, and are subject to all objections as to competence, authenticity, relevance, materiality, propriety, admissibility, and any and all other objections and grounds that would or could require or permit the exclusion of any document or statement therein from evidence, all of which objections and grounds are reserved and may be interposed at the time of trial.

No incidental or implied admissions are intended by these responses. The fact that Oracle has responded or objected to any request or part thereof shall not be deemed an admission that Oracle accepts or admits the existence of any facts set forth or assumed by such request. Nor shall Oracle's responses or objections be deemed an admission that any statement or characterization in any request is accurate or complete, or that any particular document exists, is relevant, or is admissible in evidence.

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OBJECTIONS TO SPECIFIC DEFINITIONS

DEFINITION NO. 1. "YOU" and "YOUR" mean Oracle America, Inc. and all of its agents, representatives, attorneys, accountants, consultants, successors, subsidiaries, or divisions.

DEFINITION NO. 2. "RELEVANT TIME PERIOD" means January 1, 2013 to the present unless otherwise stated.

DEFINITION NO. 3. "ANALYSES" means any and all draft and final narratives, summaries, chronologies, determination memorandums, statistical summaries, charts, matrices, spreadsheets, audits, evaluations, studies, methodologies, models, actual computations, and regression and other statistical analysis.

OBJECTION TO DEFINITION NO. 3:

Oracle objects to this definition as vague, ambiguous, overbroad, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

DEFINITION NO. 4. "AND" and "OR" shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive.

DEFINITION NO. 5. "COMMUNICATIONS" means all transactions or transfers of information of any kind, whether orally, in writing, or in any other manner, at any time or place, under any circumstances whatsoever.

OBJECTION TO DEFINITION NO. 5:

Oracle objects to this definition as including the phrase "all transactions or transfers" and the term "orally," which render the definition vague, ambiguous, and overbroad, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

DEFINITION NO. 6. "COMPENSATION" means any payments made to, or on behalf of, an employee as remuneration for employment, including but not limited to, salary, wages, overtime pay, shift differentials, commissions, bonuses, merit pay or pay related to performance, vacation and holiday pay, retirement and other benefits, stock options and awards, and profit sharing.

DEFINITION NO. 7. "DOCUMENT" means all writings of any kind, including any written, printed, typed, electronically stored, or other graphic matter of any kind or nature and all mechanical or electronic sound recordings or transcripts thereof, in YOUR possession and/or control or known by YOU to exist, and also means all copies of documents by whatever means made, including, but not limited to: papers, letters, correspondence, emails, text messages, presentations, manuals, computerized files, computerized spreadsheets, telegrams, interoffice communications, memoranda, notes, notations, notebooks, reports, records, accounting books or records, schedules, tables, charts, transcripts, publications, scrapbooks, diaries, and any drafts, revisions, or amendments of the above, and all other materials enumerated in the definition provided in Rule 34 of the Federal Rules of Civil Procedure.

OBJECTION TO DEFINITION NO. 7:

Oracle objects to this definition as including the phrase "or known by YOU to exist," which, to the extent such documents are not in Oracle's possession, custody, or control, encompasses documents beyond those that Oracle has any obligation to produce.

DEFINITION NO. 8. "OFCCP" means the Office of Federal Contract Compliance Programs, United States Department of Labor.

DEFINITION NO. 9. "PERSON" means without limitation individuals, firms, associations, partnerships, corporations, governmental agencies or offices and employees, and any other entity.

DEFINITION NO. 10. "RELATING TO" means constituting, memorializing, evidencing, containing, showing, supporting, contradicting, summarizing, pertaining to, or referring to, whether directly or indirectly, the subject of the particular request.

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RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 93:

All DOCUMENTS RELATING TO any actions YOU took during the RELEVANT TIME PERIOD in response to any ANALYSES YOU conducted pursuant to 41 C.F.R. § 60-2.17(b) for YOUR Information Technology, Product Development, and Support lines of business, including, but not limited to, all DOCUMENTS relating to action-oriented programs identified in 41 C.F.R. § 60-2.17(c).

RESPONSE TO REQUEST FOR PRODUCTION NO. 93:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is overbroad in scope, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to the extent that this request seeks non-relevant information (for example, related to promotions and terminations) as referenced in 41 C.F.R. § 60-2.17(b)(2). Although Oracle recognizes the ALJ overruled a similar objection in its September 11, 2017 Order, so as to avoid any claim that Oracle has waived the objection, Oracle also objects to this request on the ground that it calls for a legal conclusion; specifically, this request, by referring to a regulation, requires a legal analysis of the regulation and its applicability.

Subject to and without waiving these objections, Oracle responds:
Oracle will, after conducting a reasonably diligent search, produce responsive, non-privileged data and documents sufficient to demonstrate and reflect Oracle's actions related to compensation and hiring within the Product Development, Support, and Information Technology lines of business at Oracle's Redwood Shores, CA, location during the relevant period, including data from Oracle's system of record related to compensation and hiring, that reflect the evaluative processes and actions Oracle undertakes to ensure fair and equitable decision-making and the justifications for the aforementioned compensation and hiring decisions, as well as

documents showing its good faith diversity and outreach efforts.

REQUEST FOR PRODUCTION NO. 94:

All DOCUMENTS RELATING TO any actions YOU took during the RELEVANT TIME PERIOD in response to any ANALYSES YOU conducted pursuant to 41 C.F.R. § 60-3.15A for YOUR Information Technology, Product Development and Support lines of business.

RESPONSE TO REQUEST FOR PRODUCTION NO. 94:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is overbroad in scope, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Although Oracle recognizes the ALJ overruled a similar objection in its September 11, 2017 Order, so as to avoid any claim that Oracle has waived the objection, Oracle also objects to this request on the ground that it calls for a legal conclusion; specifically, this request, by referring to a regulation, requires a legal analysis of the regulation and its applicability.

Oracle further objects to the false premise embedded in this request that Oracle was required under 41 C.F.R. § 60-3.15A to perform an adverse impact analysis and take action as a result of it. Section 60-3.15A sets forth guidelines for "[u]sers of selection procedures," and, as Oracle has repeatedly noted, including in its letter to ALJ Larsen dated August 8, 2017, OFCCP has not alleged that Oracle used an employee selection device that has an adverse impact, let alone identified *any* employee selection procedure at issue in this litigation.

Subject to this understanding and without waiving its objections, Oracle responds that, after undertaking a reasonably diligent search, Oracle has determined that it does not have responsive documents to this request in its possession, custody, or control.

REQUEST FOR PRODUCTION NO. 95:

ALL DOCUMENTS RELATING TO any ANALYSES YOU conducted of the COMPENSATION YOU provided to YOUR employees during the RELEVANT TIME

PERIOD, including but not limited to, compensation audits YOU conducted, statistical ANALYSES YOU conducted, the "salary surveys," "equity studies," "Focal review(s)," "ad hoc analyses," and "off-cycle reviews," YOU conducted referenced by either Shauna Holman-Harries and / or Lisa Gordon in Lisa Gordon's January 9, 2015 interview at Bates stamp number ("BSN") DOL000000584, 587-89; and the different analyses," "compensation analyses," "adverse impact analyses," "internal audits," and "internal self-audits" that YOU conducted that were referenced by Shauna Holman-Harries in her March 26, 2015, interview at BSN DOL000036769, 36772-73.

RESPONSE TO REQUEST FOR PRODUCTION NO. 95:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is overbroad in scope, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

Oracle further objects to the extent that this request relies on purported quotes from Shauna Holman-Harries from the interview of Lisa Gordon dated January 9, 2015 (DOL000000575-93), and the interview of Shauna Holman-Harries dated March 26, 2015 (DOL000036766-75). Section 2M00(f) of the Federal Contract Compliance Manual ("FCCM") expressly requires that, for compliance interviews such as these, the Compliance Officer ("CO") "must ask each person to read, sign and date the CO's interview notes" and that "the CO will review the questions asked and the answers given, and obtain confirmation that any direct quotes are accurate and that all paraphrases convey the interviewee's intended meaning." As an initial matter, the phrases cited in OFCCP's request do not appear as quotes in either interview, making it unclear whether Ms. Holman-Harries in fact "referenced" any of the items as OFCCP claims in its request. Moreover, OFCCP's failure to have Ms. Holman-Harries review and sign either of these interviews to certify the accuracy of their contents as required by the FCCM further compounds the lack of foundation for using these documents as the basis for quotes in OFCCP's

request.

Subject to and without waiving these objections, Oracle responds:

Oracle will, after conducting a reasonably diligent search, produce responsive, non-privileged data and documents sufficient to demonstrate and reflect Oracle's analyses related to compensation within the Product Development, Support, and Information Technology lines of business at Oracle's Redwood Shores, CA, location during the relevant period, including data from Oracle's system of record related to compensation, that reflect the evaluative processes and actions Oracle undertakes to ensure fair and equitable decision-making.

REQUEST FOR PRODUCTION NO. 96:

All DOCUMENTS RELATING TO any actions YOU took during the RELEVANT TIME PERIOD in response to any ANALYSES conducted pursuant to the previous document production request.

RESPONSE TO REQUEST FOR PRODUCTION NO. 96:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is overbroad in scope, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

Oracle further objects to the extent that this request relies on purported quotes from Shauna Holman-Harries from the interview of Lisa Gordon dated January 9, 2015 (DOL000000575-93), and the interview of Shauna Holman-Harries dated March 26, 2015 (DOL000036766-75). Section 2M00(f) of the Federal Contract Compliance Manual ("FCCM") expressly requires that, for compliance interviews such as these, the Compliance Officer ("CO") "must ask each person to read, sign and date the CO's interview notes" and that "the CO will review the questions asked and the answers given, and obtain confirmation that any direct quotes are accurate and that all paraphrases convey the interviewee's intended meaning." As an initial matter, the phrases cited in OFCCP's request do not appear as quotes in either interview, making

it unclear whether Ms. Holman-Harries in fact "referenced" any of these items as OFCCP claims in the previous request. Moreover, OFCCP's failure to have Ms. Holman-Harries review and sign either of these interviews to certify the accuracy of their contents as required by the FCCM further compounds the lack of foundation for using these documents as the basis for quotes in OFCCP's request.

Subject to and without waiving these objections, Oracle responds:

Oracle will, after conducting a reasonably diligent search, produce responsive, non-privileged data and documents sufficient to demonstrate and reflect Oracle's actions related to compensation within the Product Development, Support, and Information Technology lines of business at Oracle's Redwood Shores, CA, location during the relevant period, including data from Oracle's system of record related to compensation, that reflect the evaluative processes and actions Oracle undertakes to ensure fair and equitable decision-making and the justifications for the aforementioned compensation and hiring decisions, as well as documents showing its good faith diversity and outreach efforts.

REQUEST FOR PRODUCTION NO. 97:

ALL DOCUMENTS RELATING TO "Oracle's evaluation of its compensation system" that Shauna Holman-Harries referenced in her June 2, 2015, e-mail at BSN DOL000001212 for YOUR Information Technology, Product Development, and Support lines of business during the RELEVANT TIME PERIOD, including but not limited to, all of the evaluations that YOU conducted, the underlying data and information considered in these evaluations, and the COMMUNICATIONS related to these evaluations.

RESPONSE TO REQUEST FOR PRODUCTION NO. 97:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is overbroad in scope, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

Subject to and without waiving these objections, Oracle responds:

Oracle will, after conducting a reasonably diligent search, produce responsive, non-privileged data and documents sufficient to demonstrate and reflect Oracle's analyses related to compensation within the Product Development, Support, and Information Technology lines of business at Oracle's Redwood Shores, CA, location during the relevant period, including data from Oracle's system of record related to compensation, that reflect the evaluative processes Oracle undertakes to ensure fair and equitable decision-making.

REQUEST FOR PRODUCTION NO. 98:

All DOCUMENTS RELATING TO any actions YOU took during the RELEVANT TIME PERIOD in response to any evaluation conducted pursuant to the previous document production request.

RESPONSE TO REQUEST FOR PRODUCTION NO. 98:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is overbroad in scope, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

Subject to and without waiving these objections, Oracle responds:

Oracle will, after conducting a reasonably diligent search, produce responsive, non-privileged data and documents sufficient to demonstrate and reflect Oracle's actions related to compensation within the Product Development, Support, and Information Technology lines of business at Oracle's Redwood Shores, CA, location during the relevant period, including data from Oracle's system of record related to compensation, that reflect the evaluative processes and actions Oracle undertakes to ensure fair and equitable decision-making and the justifications for the aforementioned compensation decisions, as well as documents showing its good faith diversity and outreach efforts.

REQUEST FOR PRODUCTION NO. 99:

All DOCUMENTS RELATING TO any ANALYSES YOU conducted of the selection procedures YOU used to recruit someone to work for YOU in the Information Technology, Product Development, and Support lines of business during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 99:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is overbroad in scope, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

Oracle further objects to the false premise embedded in this request that Oracle was required to perform an adverse impact analysis and take action as a result of it. Section 60-3.15A sets forth guidelines for "[u]sers of selection procedures," and, as Oracle has repeatedly noted, including in its letter to ALJ Larsen dated August 8, 2017, OFCCP has not alleged that Oracle used an employee selection device that has an adverse impact, let alone identified any employee selection procedure at issue in this litigation.

Subject to this understanding and without waiving its objections, Oracle responds that, after undertaking a reasonably diligent search, Oracle has determined that it does not have responsive documents to this request in its possession, custody, or control.

REQUEST FOR PRODUCTION NO. 100:

All DOCUMENTS RELATING TO any actions YOU took during the RELEVANT TIME PERIOD in response to any ANALYSES conducted pursuant to the previous document production request.

RESPONSE TO REQUEST FOR PRODUCTION NO. 100:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is overbroad in scope, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the

needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

Oracle further objects to the false premise embedded in this request that Oracle was required to perform an adverse impact analysis and take action as a result of it. Section 60-3.15A sets forth guidelines for "[u]sers of selection procedures," and, as Oracle has repeatedly noted, including in its letter to ALJ Larsen dated August 8, 2017, OFCCP has not alleged that Oracle used an employee selection device that has an adverse impact, let alone identified any employee selection procedure at issue in this litigation.

Subject to this understanding and without waiving its objections, Oracle responds that, after undertaking a reasonably diligent search, Oracle has determined that it does not have responsive documents to this request in its possession, custody, or control.

REQUEST FOR PRODUCTION NO. 101:

All DOCUMENTS RELATING TO any ANALYSES YOU conducted of the selection procedures YOU used to hire someone to work for YOU in the Information Technology, Product Development and Support lines of business during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 101:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is overbroad in scope, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

Oracle further objects to the false premise embedded in this request that Oracle was required to perform an adverse impact analysis and take action as a result of it. Section 60-3.15A sets forth guidelines for "[u]sers of selection procedures," and, as Oracle has repeatedly noted, including in its letter to ALJ Larsen dated August 8, 2017, OFCCP has not alleged that Oracle used an employee selection device that has an adverse impact, let alone identified any employee selection procedure at issue in this litigation.

Subject to this understanding and without waiving its objections, Oracle responds that, after undertaking a reasonably diligent search, Oracle has determined that it does not have responsive documents to this request in its possession, custody, or control.

REQUEST FOR PRODUCTION NO. 102:

All DOCUMENTS RELATING TO any actions YOU took during the RELEVANT TIME PERIOD in response to any ANALYSES conducted pursuant to the previous document production request.

RESPONSE TO REQUEST FOR PRODUCTION NO. 102:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is overbroad in scope, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

Oracle further objects to the false premise embedded in this request that Oracle was required to perform an adverse impact analysis and take action as a result of it. Section 60-3.15A sets forth guidelines for "[u]sers of selection procedures," and, as Oracle has repeatedly noted, including in its letter to ALJ Larsen dated August 8, 2017, OFCCP has not alleged that Oracle used an employee selection device that has an adverse impact, let alone identified any employee selection procedure at issue in this litigation.

Subject to this understanding and without waiving its objections, Oracle responds that, after undertaking a reasonably diligent search, Oracle has determined that it does not have responsive documents to this request in its possession, custody, or control.

REQUEST FOR PRODUCTION NO. 103:

All DOCUMENTS RELATING TO the data, information, and documents you provided to any person at Orrick, Herrington & Sutcliffe, LLP to conduct any ANALYSES and / or evaluation(s) referenced in document production request nos. 95, 97, 99, and 101 including, but not limited to, the data, information, and documents that YOU provided to Orrick, Herrington &

Sutcliffe, LLP to conduct these ANALYSES and any data, information and documents Orrick, Herrington & Sutcliffe, LLP provided to YOU regarding the ANALYSES it conducted.

RESPONSE TO REQUEST FOR PRODUCTION NO. 103:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is overbroad in scope, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

In particular, this request presents an overt attempt to obtain privileged information by seeking communications and documents exchanged between Oracle and its outside counsel for the purposes of obtaining legal advice. As set forth in the responses above, Oracle agrees to produce documents responsive to Request Nos. 95 and 97, and represents that it has no documents responsive to Request Nos. 99 and 101. Thus, Oracle has already agreed to provide OFCCP with the underlying "data, information, and documents," responsive to this request. However, Oracle is not obligated to delineate what among that data, information, and documents was provided to counsel for the purposes of legal advice, as that is privileged information. *See, e.g.*, *Oasis Int'l Waters, Inc. v. United States*, 110 Fed. Cl. 87, 99-100 (2013) ("The fact that a client included a document in a request for legal advice is privileged, however, because it partially reveals the substance of the client's privileged communication to an attorney."); *Hilton-Rorar v. State & Fed. Commc'ns Inc.*, No. 5:09-CV-01004, 2010 WL 1486916, at *7 (N.D. Ohio Apr. 13, 2010) ([T]he very fact that non-privileged information was communicated to an attorney may itself be privileged, even if that underlying information remains unprotected. . . .").

REQUEST FOR PRODUCTION NO. 104:

All DOCUMENTS RELATING TO any actions YOU took during the RELEVANT TIME PERIOD in response to any ANALYSES and / or evaluation(s) conducted by Orrick, Herrington & Sutcliffe, LLP.

RESPONSE TO REQUEST FOR PRODUCTION NO. 104:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is overbroad in scope, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

Again, this request is an overt attempt to obtain obviously privileged information by seeking to ascertain the substance of any legal advice exchanged between Oracle and its outside counsel. Oracle has already agreed to produce documents responsive to Request Nos. 93, 96, and 98, which relate to actions taken by Oracle in response to analyses and evaluations of compensation. However, Oracle is not required to identify which of those documents are related to actions taken "in response to" communications and analysis from counsel, as such identification would be tantamount to revealing the substance of legal advice from counsel. *See Hilton-Rorar*, 2010 WL 1486916, at *8 ("To the extent these e-mails contain attachments or other e-mail communications that are not otherwise independently privileged, the attorney-client privilege nevertheless applies because to order the disclosure of those e-mails would necessarily reveal the substance of a confidential client communication made seeking legal advice.").

September 26, 2017

GARY R. SINISCALCO
ERIN M. CONNELL

ORRICK, HERRINGTON & SUTCLIFFE LLP
The Orrick Building
405 Howard Street
San Francisco, Ca 94105-2669
Telephone: (415) 773-5700
Facsimile: (415) 773-5759
Email: grsiniscalco@orrick.com
econnell@orrick.com
Attorneys For Defendant
ORACLE AMERICA, INC.

PROOF OF SERVICE BY ELECTRONIC MAIL

I am more than eighteen years old and not a party to this action. My business address is Orrick, Herrington & Sutcliffe LLP, The Orrick Building, 405 Howard Street, San Francisco, California 94105-2669. My electronic service address is jkaddah@orrick.com.

On September 26, 2017, I served the interested parties in this action with the following document(s):

DEFENDANT ORACLE AMERICA, INC.'S RESPONSES AND OBJECTIONS TO THIRD SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS

by serving true copies of these documents via electronic mail in Adobe PDF format the documents listed above to the electronic addresses set forth below:

Marc A. Pilotin (pilotin.marc.a@dol.gov)
Laura Bremer (Bremer.Laura@dol.gov)
Ian Eliasoph (eliasoph.ian@dol.gov)
Jeremiah Miller (miller.jeremiah@dol.gov)
U.S. Department of Labor, Office of the Solicitor, Region IX – San Francisco
90 Seventh Street, Suite 3-700
San Francisco, CA 94103
Telephone: (415) 625-7769
Fax: (415) 625-7772

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on September 26, 2017, at San Francisco, California.

_____
Jacqueline D. Kaddah

EXHIBIT 25

EXHIBIT 25

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS, UNITED STATES DEPARTMENT OF LABOR, Plaintiff, v. ORACLE AMERICA, INC. Defendant.	OALJ Case No. 2017-OFC-00006 OFCCP No. R00192699

OFCCP'S FIFTH SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS TO ORACLE AMERICA, INC.

Plaintiff, the Office of Federal Contract Compliance Programs, United States Department of Labor ("OFCCP"), under 41 C.F.R. § 60-30.10, requests that Defendant, Oracle America, Inc. ("Oracle"), produce at the Office of the Solicitor, U.S. Department of Labor, 90 7th Street, Suite 3-700, San Francisco, California 94103, within 25 days after these requests are served, the documents requested below that are in Oracle's possession, custody, or control, or in the possession, custody, or control of any of its agents, representatives, attorneys, consultants, successors, subsidiaries, or divisions.

DEFINITIONS

1. "YOU" AND "YOUR" mean Oracle America, Inc. AND all of its agents, representatives, attorneys, accountants, consultants, successors, subsidiaries, OR divisions.

2. "RELEVANT TIME PERIOD" means **January 1, 2013, to the present** unless otherwise stated.

3. "ANALYSES" means any AND all draft AND final narratives, summaries, chronologies, determination memorandums, statistical summaries, charts, matrices, spreadsheets, audits, evaluations, studies, methodologies, models, actual computations, AND regression AND other statistical analysis.

4. "AND" AND "OR" shall be construed conjunctively OR disjunctively as necessary to make the request inclusive rather than exclusive.

5. "APPLICANT" means any person who YOU received expressions of interest, solicited, recruited, communicated with, screened, interviewed, evaluated, determined starting salary AND other COMPENSATION for, OR extended offers to, persons who expressed interest in a job at Oracle.

6. "ASSIGNED" means responsible, designated, appointed, worked on, performed work.

7. "CAP-GAP EXTENSION" means a temporary extension of employment authorization under provisions allowing relief for holders of F-1 US VISAs who are seeking H1-B US VISAs.

8. "COLLEGE RECRUIT" means any person who expresses interest OR applies to YOU through YOUR college recruiting program (including undergraduate students, graduate students, AND recent graduates) for positions in the Professional Technical I, Individual Contributor Job Group, including product development positions.

9. "COMMUNICATIONS" means all transactions OR transfers of information of any kind, whether orally, in writing, OR in any other manner, at any time

OR place, under any circumstances whatsoever.

10. "COMPA-RATIO" means the ratio of the employee's base salary to the midpoint of their job's salary range multiplied by 100.

11. "COMPENSATION" means any payments made to, OR on behalf of, YOUR employee as remuneration for employment, including but not limited to salary, wages, money for relocation, overtime pay, shift differentials, commissions, bonuses, vacation AND holiday pay, retirement AND other benefits, stock options AND awards, AND profit sharing.

12. "DOCUMENT" means all writings of any kind, including any written, printed, typed, electronically stored, OR other graphic matter of any kind OR nature AND all mechanical OR electronic sound recordings OR transcripts thereof, in YOUR possession OR control OR known by YOU to exist, AND also means all copies of DOCUMENTS by whatever means made, including, but not limited to: papers, letters, correspondence, emails, text messages, presentations, manuals, computerized files, computerized spreadsheets, telegrams, interoffice communications, memoranda, notes, notations, notebooks, reports, records, accounting books OR records, schedules, tables, charts, transcripts, publications, scrapbooks, diaries, AND any drafts, revisions, OR amendments of the above, AND all other materials enumerated in the definition provided in Rule 34 of the Federal Rules of Civil Procedure.

13. "HIRING" OR "HIRE" means to establish an employer to employee relationship, to employ someone.

14. "LIST" means a compilation of information, a record of information AND includes Excel spreadsheets OR other types of documents OR files compiling

information.

15. "OFCCP" means the Office of Federal Contract Compliance Programs, United States Department of Labor.

16. "OPT EXTENSION" means Optional Practical Training employment authorization extension for students with F-1 US VISAs.

17. "PAY DECISION" means any choice Oracle made about a person's COMPENSATION, including whether to give OR not to give a particular type of COMPENSATION (e.g., starting pay, bonus, stock options), the amount of COMPENSATION to give, OR to change OR not to change the amount of COMPENSATION of a person.

18. "POLICIES," "PRACTICES," OR "PROCEDURES" means each rule, action, OR directive, whether formal OR informal, AND each common understanding OR course of conduct that was recognized as such by YOUR present OR former officers, agents, employees, OR other PERSONS acting OR purporting to act on YOUR behalf OR at YOUR direction, that was in effect at any time during the RELEVANT TIME PERIOD. These terms include any changes that occurred to them during the RELEVANT TIME PERIOD.

19. "RELATED TO" means constituting, memorializing, evidencing, containing, showing, supporting, contradicting, summarizing, pertaining to, OR referring to, whether directly OR indirectly, the subject of the particular request.

20. "SELECTION PROCESS" mean YOU responding to expressions of interest, soliciting, recruiting, communicating with, screening, interviewing, evaluating, determining starting salary AND other COMPENSATION for, OR extending job offers to, persons who

express interest in a job at Oracle.

21. "STEM OPT EXTENSION" means Optional Practical Training employment authorization extension for students with F-1 US VISAs who earned degrees in science, technology, engineering OR mathematics.

22. "SUPPORTING" OR "SUPPORTS" means relied upon, used, sustained, utilized.

23. "USCIS" means the United States Custom AND Immigration Services.

24. "US VISA" means an endorsement issued by an authorized representative of the United States AND marked in a passport, permitting the passport holder to enter, travel through, OR reside in the United States.

INSTRUCTIONS

1. Unless otherwise stated, these requests RELATE TO Oracle's headquarters located at Redwood Shores, California.

2. In responding to these requests, furnish all information that is available to YOU. If, after exercising due diligence to secure the DOCUMENTS, YOU cannot produce the requested DOCUMENTS in full, respond to the extent possible, specifying YOUR inability to produce the remainder. If YOU object to any request, state with specificity the basis for the objection, decline to respond to only that portion of the request deemed objectionable, AND respond to the balance of the request.

3. If any requested DOCUMENT was, but is no longer, in YOUR possession, custody, OR control, OR is no longer in existence, state whether such DOCUMENT is:

a. missing OR lost;

b. destroyed;

c. transferred to others; OR

d. otherwise disposed of.

For any DOCUMENT so disposed of, summarize the contents of the DOCUMENT in as much detail as possible. If the DOCUMENT is missing, lost, OR destroyed, set forth the circumstances surrounding such disposition. If the DOCUMENT was transferred to others OR otherwise disposed of, describe in detail the authorization for such disposition, state the date OR closest approximate date known to YOU of such disposition, state the current location of the DOCUMENT, AND IDENTIFY the custodian of all copies of such DOCUMENT.

4. These requests are intended to cover all DOCUMENTS in existence OR in effect at any time during the RELEVANT TIME PERIOD. If any responsive DOCUMENT has changed over the RELEVANT TIME PERIOD, produce all responsive DOCUMENTS, regardless of whether they reflect YOUR POLICIES, PRACTICES OR PROCEDURES that are no longer in effect.

5. With respect to the application of privileges: If YOU decline to produce any DOCUMENT OR to otherwise provide information on the basis of a claim of privilege, so state in response to the DOCUMENT production request. Any part of a DOCUMENT for which YOU do not claim a privilege must be produced. Furnish a complete log of any DOCUMENTS OR portions of DOCUMENTS withheld on the basis of privilege, describing each such DOCUMENT OR portion thereof in a manner that will enable OFCCP to assess the applicability of the privilege being asserted. This includes,

without limitation, setting forth for each such DOCUMENT the dates the DOCUMENT was prepared AND transmitted, to whom AND from whom the DOCUMENT was transmitted, including copies thereof, the length of the DOCUMENT, the privilege(s) claimed, AND the factual basis for the claim of each privilege.

6. Under 41 C.F.R. § 60-30.1 AND Rule 26(e) of the Federal Rules of Civil Procedure, these requests for production are continuing in nature AND, to the extent that the responses may be enlarged, diminished, OR otherwise modified by information acquired by YOU OR YOUR attorneys after filing this response, YOU AND YOUR attorneys are required to promptly serve AND file supplemental DOCUMENTS reflecting the changes.

7. The parties responding to these requests are charged with knowledge of what they know, what their agents, employees, servants, representatives, AND attorneys know, what is in records available to them, AND what others have told them on which they intend to rely in their defense.

8. All DOCUMENT productions made in response to these requests must comply with OFCCP's technical specifications previously provided.

REQUESTS FOR PRODUCTION OF DOCUMENTS

131. For all of the people who were YOUR employees in the PT1 Job Group OR COLLEGE RECRUITS for the PT1 Job Group during the RELEVANT TIME PERIOD, produce all DOCUMENTS IDENTIFYING a person's eligibility to work in the United States, including, but not limited to, a person being on a US VISA OR any extension thereto (e.g., E-3, F-1, F-1 with OPT EXTENSION, F-1 with STEM OPT EXTENSION, H-1B, H-4, J-1, L-1, L-1A, L-1B, L-2,

O-1, TN, CAP-GAP EXTENSIONS); United States Passport; United States identification card; certified birth certificate issued by the city, county OR state of birth; Consular Report of Birth (of U.S. citizen) Abroad OR Certification of Birth; Naturalization Certificate; Certificate of Citizenship; foreign passport with an I-551 stamp; foreign passport with Form I-94 containing an endorsement of nonimmigrant status; alien registration receipt card; alien permanent resident card (aka green card); employment authorization card (e.g., filled out I-765 form for YOUR employees); employment authorization document; Social Security card; USCIS' Employment Eligibility Verification Form (i.e., USCIS's I-9 Form) filled out for YOUR employees; USCIS' Petition for a Non-Immigrant Worker Form (i.e., USCIS's I-129 Form) filled out for YOUR employees; YOUR "Employment Eligibility Questionnaire" in any of its forms (e.g., Bates stamp number ("BSN") ORACLE_HQCA_1279 & 2003); YOUR "VISA Status Questionnaire" in any of its forms (e.g., ORACLE_HQCA_916).

132. For all of the people who were YOUR employees in the PT1 Job Group OR COLLEGE RECRUITS for the PT1 Job Group during the RELEVANT TIME PERIOD who were <u>not</u> citizens of the United States at any time during the RELEVANT TIME PERIOD, produce, to the extent not otherwise produced in response to the previous request, all DOCUMENTS of a person having a US VISA OR any extension thereto (e.g., E-3, F-1, F-1 with OPT EXTENSION, F-1 with STEM OPT EXTENSION, H-1B, H-4, J-1, L-1, L-1A, L-1B, L-2, O-1, TN, CAP-GAP EXTENSIONS); employment authorization card (e.g., filled out I-765 form for YOUR employees); employment authorization document; Social Security card; USCIS' Employment Eligibility Verification Form (i.e., USCIS's I-9 Form) filled out for YOUR employees; USCIS' Petition for a Non-Immigrant Worker Form (i.e., USCIS's I-129 Form) filled out for YOUR employee; YOUR "Employment Eligibility Questionnaire" in any of its forms (e.g., Bates stamp

number ("BSN") ORACLE_HQCA_1279 & 2003); YOUR "VISA Status Questionnaire" in any of its forms (e.g., ORACLE_HQCA_916); Labor Condition Application; Immigration & Naturalization Service Work Authorization; DOCUMENTS RELATING TO YOU sponsoring people for US VISAS.

133. For all of the people who were YOUR employees in the Information Technology, Product Development AND Support Job Functions during the RELEVANT TIME PERIOD, produce all DOCUMENTS IDENTIFYING a person's eligibility to work in the United States, including, but not limited to, a person being on a US VISA OR any extension thereto (e.g., E-3, F-1, F-1 with OPT EXTENSION, F-1 with STEM OPT EXTENSION, H-1B, H-4, J-1, L-1, L-1A, L-1B, L-2, O-1, TN, CAP-GAP EXTENSIONS); United States Passport; United States identification card; certified birth certificate issued by the city, county OR state of birth; Consular Report of Birth (of U.S. citizen) Abroad OR Certification of Birth; Naturalization Certificate; Certificate of Citizenship; foreign passport with an I-551 stamp; foreign passport with Form I-94 containing an endorsement of nonimmigrant status; alien registration receipt card; alien permanent resident card (aka green card); employment authorization card (e.g., filled out I-765 form for YOUR employees); employment authorization document; Social Security card; USCIS' Employment Eligibility Verification Form (i.e., USCIS's I-9 Form) filled out for YOUR employees; USCIS' Petition for a Non-Immigrant Worker Form (i.e., USCIS's I-129 Form) filled out for YOUR employees; YOUR "Employment Eligibility Questionnaire" in any of its forms (e.g., Bates stamp number ("BSN") ORACLE_HQCA_1279 & 2003); YOUR "VISA Status Questionnaire" in any of its forms (e.g., ORACLE_HQCA_916).

134. For all of the people who were YOUR employees in the Information Technology, Product Development AND Support Job Functions during the RELEVANT TIME PERIOD who

were not citizens of the United States at any time during the RELEVANT TIME PERIOD, produce, to the extent not otherwise produced in response to the previous request, all DOCUMENTS of a person having a US VISA OR any extension thereto (e.g., E-3, F-1, F-1 with OPT EXTENSION, F-1 with STEM OPT EXTENSION, H-1B, H-4, J-1, L-1, L-1A, L-1B, L-2, O-1, TN, CAP-GAP EXTENSIONS); employment authorization card (e.g., filled out I-765 form for YOUR employees); employment authorization document; Social Security card; USCIS' Employment Eligibility Verification Form (i.e., USCIS's I-9 Form) filled out for YOUR employees; USCIS' Petition for a Non-Immigrant Worker Form (i.e., USCIS's I-129 Form) filled out for YOUR employee; YOUR "Employment Eligibility Questionnaire" in any of its forms (e.g., Bates stamp number ("BSN") ORACLE_HQCA_1279 & 2003); YOUR "VISA Status Questionnaire" in any of its forms (e.g., ORACLE_HQCA_916); Labor Condition Application; Immigration & Naturalization Service Work Authorization; DOCUMENTS RELATING TO YOU sponsoring people for US VISAS.

135. For all of the people who were YOUR employees in the Information Technology, Product Development AND Support Job Functions from January 1, 1985, through AND including December 31, 2012, produce all DOCUMENTS IDENTIFYING a person's eligibility to work in the United States, including, but not limited to, a person being on a US VISA OR any extension thereto (e.g., E-3, F-1, F-1 with OPT EXTENSION, F-1 with STEM OPT EXTENSION, H-1B, H-4, J-1, L-1, L-1A, L-1B, L-2, O-1, TN, CAP-GAP EXTENSIONS); United States Passport; United States identification card; certified birth certificate issued by the city, county OR state of birth; Consular Report of Birth (of U.S. citizen) Abroad OR Certification of Birth; Naturalization Certificate; Certificate of Citizenship; foreign passport with an I-551 stamp; foreign passport with Form I-94 containing an endorsement of nonimmigrant

status; alien registration receipt card; alien permanent resident card (aka green card); employment authorization card (e.g., filled out I-765 form for YOUR employees); employment authorization document; Social Security card; USCIS' Employment Eligibility Verification Form (i.e., USCIS's I-9 Form) filled out for YOUR employees; USCIS' Petition for a Non-Immigrant Worker Form (i.e., USCIS's I-129 Form) filled out for YOUR employees; YOUR "Employment Eligibility Questionnaire" in any of its forms (e.g., Bates stamp number ("BSN") ORACLE_HQCA_1279 & 2003); YOUR "VISA Status Questionnaire" in any of its forms (e.g., ORACLE_HQCA_916).

136. For all of the people who were YOUR employees in the Information Technology, Product Development AND Support Job Functions from January 1, 1985, through AND including December 31, 2012, who were not citizens of the United States at any time during the RELEVANT TIME PERIOD, produce, to the extent not otherwise produced in response to the previous request, all DOCUMENTS of a person having a US VISA OR any extension thereto (e.g., E-3, F-1, F-1 with OPT EXTENSION, F-1 with STEM OPT EXTENSION, H-1B, H-4, J-1, L-1, L-1A, L-1B, L-2, O-1, TN, CAP-GAP EXTENSIONS); employment authorization card (e.g., filled out I-765 form for YOUR employees); employment authorization document; Social Security card; USCIS' Employment Eligibility Verification Form (i.e., USCIS's I-9 Form) filled out for YOUR employees; USCIS' Petition for a Non-Immigrant Worker Form (i.e., USCIS's I-129 Form) filled out for YOUR employee; YOUR "Employment Eligibility Questionnaire" in any of its forms (e.g., Bates stamp number ("BSN") ORACLE_HQCA_1279 & 2003); YOUR "VISA Status Questionnaire" in any of its forms (e.g., ORACLE_HQCA_916); DOCUMENTS RELATING TO YOU sponsoring people for US VISAS.

137. For all of the people who were YOUR employees in the Information Technology,

Product Development AND Support Job Functions who YOU identified in response to the prior six requests of this set of document production requests as having any US VISAs, produce, for each type of US VISA previously identified, DOCUMENTS IDENTIFYING the type of US VISA (e.g., E-3, F-1, F-1 with OPT EXTENSION, F-1 with STEM OPT EXTENSION, H-1B, H-4, J-1, L-1, L-1A, L-1B, L-2, O-1, TN, CAP-GAP EXTENSIONS), the start AND end dates of this US VISA AND the country of origin for the employees holding the US VISA

138. For all of the people who were YOUR employees in the PT1 Job Group OR COLLEGE RECRUITS for the PT1 Job Group during the RELEVANT TIME PERIOD, produce DOCUMENTS sufficient to IDENTIFY their: country of birth, country of origin, race AND gender.

139. Produce all of YOUR POLICIES, PRACTICES OR PROCEDURES RELATING TO employees OR COLLEGE RECRUITS who were <u>not</u> citizens of the United States at any time during the RELEVANT TIME PERIOD being eligible to lawfully work in the United States, including, but not limited to YOUR POLICIES, PRACTICES OR PROCEDURES, RELATING TO US VISAs, passports, permanent resident cards (green cards), OPT EXTENSIONS, STEM OPT EXTENSIONS, CAP-GAP EXTENSIONS, employment authorization card (e.g., filled out I-765 form for YOUR employees); employment authorization document, USCIS' Employment Eligibility Verification Form (i.e., USCIS's I-9 Form) filled out for YOUR employees, USCIS' Petition for a Non-Immigrant Worker Form (i.e., USCIS's I-129 Form) filled out for YOUR employees, YOUR "Employment Eligibility Questionnaire" in any of its forms (e.g., Bates stamp number ("BSN") ORACLE_HQCA_1279 & 2003), YOUR "VISA Status Questionnaire" in any of its forms (e.g., ORACLE_HQCA_916), YOU sponsoring workers for US VISAS, Labor Condition Applications, POLICIES, PRACTICES OR PROCEDURES regarding the

eligibility of non-United States citizens to work OR not work in the United States.

140. For all of the people who were YOUR employees in the PT1 Job Group OR COLLEGE RECRUITS for the PT1 Job Group during the RELEVANT TIME PERIOD OR YOUR employees in the Product Development, Support, OR Information Technology Job Functions since 1985, produce DOCUMENTS sufficient to IDENTIFY the following information, for each college degree that they obtained at any time: the full name of the college they obtained the degree from, the degree obtained, the year they obtained this degree, the major they acquired this degree in. This request should include employees listed in the HQCA_iRec_MAIN.xlsx file, AND include the data fields in the APL_EMPLOYMENT _HISTORY, APL_QUALIFICATIONS, AND APPLICANT_PROFILES tabs produced in the PT1_HQCA_iRec_MAIN.xlsx file.

141. Produce all COMMUNICATIONS (including, but not limited to, memos, letters, emails, spreadsheets, photographs, transcripts, reports, print outs, text messages, computer screen shots, computer files, to include any attachments to any of these examples) to AND from Larry Lynn, Vice President, College Recruiting, RELATED TO the SELECTION PROCESS for COLLEGE RECRUITS during the RELEVANT TIME PERIOD.

142. Produce all COMMUNICATIONS (including, but not limited to, memos, letters, emails, spreadsheets, photographs, transcripts, reports, print outs, text messages, computer screen shots, computer files, to include any attachments to any of these examples) to AND from Thomas Kurian RELATED TO the SELECTION PROCESS FOR COLLEGE RECRUITS OR PAY DECISIONS for the Product Development Job Function during the RELEVANT TIME PERIOD.

143. Produce <u>each</u> LIST RELATED TO COLLEGE RECRUITS for positions in the PT1 Job

Group during the RELEVANT TIME PERIOD, including "TK Master List," LIST of offers, LIST of people who declined OR reneged on offers, LIST tracking the eligibility of people to work in the United States, LIST of their US VISA status, LIST of people by educational degrees, LIST of people who applied for jobs, LIST of people who were screened AND rejected, LIST of people interviewed, LIST of people interviewed AND rejected, LIST of people submitted to Larry Lynn for review, LIST of people rejected by Larry Lynn, LIST of people accepted by Larry Lynn, LIST of people by country of origin, LIST of people by country of birth, LIST of people by race, LIST of people by gender.

144. Produce all e-mails AND attachments COLLEGE RECRUITS sent to Oracle's college recruiting inbox (college_US e-mail account) during the RELEVANT TIME PERIOD.

145. Produce all DOCUMENTS wherein YOU evaluated whether YOU should HIRE OR reject a COLLEGE RECRUIT during any part of the SELECTION PROCESS.

146. Produce all resumes of COLLEGE RECRUITS sent to Larry Lynn to review during the RELEVANT TIME PERIOD, including, but not limited to, copies of e-mails in the "sent to Larry" box OR folder of YOUR college_US e-mail account.

147. Produce all spreadsheets AND other DOCUMENTS used, reviewed by OR considered by Larry Lynn for his review of any COLLEGE RECRUITS during the RELEVANT TIME PERIOD, including spreadsheets, resumes, letters, text messages, e-mails, references, transcripts submitted to him during his annual review AND DOCUMENTS including, but not limited to, spreadsheets with any writings made by Larry Lynn.

148. Produce all DOCUMENTS RELATED TO any actions YOU took during the RELEVANT TIME PERIOD in response to any ANALYSES YOU conducted pursuant to 41 C.F.R. § 60-2.17(b) for YOUR Information Technology, Product Development AND Support

Job Functions OR PT1 Job Group, including, but not limited to, all DOCUMENTS RELATING TO action-oriented programs identified in 41 C.F.R. § 60-2.17(c).

149. Produce all DOCUMENTS RELATED TO any actions YOU took during the RELEVANT TIME PERIOD in response to any ANALYSES YOU conducted pursuant to 41 C.F.R. § 60-3.15A for YOUR Information Technology, Product Development AND Support Job Functions OR YOUR PT1 Job Group.

150. Produce all DOCUMENTS RELATED TO any PAY DECISION ANALYSES YOU conducted for the COMPENSATION YOU provided to YOUR employees in YOUR Information Technology, Product Development AND Support Job Functions during the RELEVANT TIME PERIOD, including but not limited to, COMPENSATION audits YOU conducted, statistical ANALYSES YOU conducted, the "salary surveys," "equity studies," AND "ad hoc analyses" YOU conducted referenced by either Shauna Holman-Harries OR Lisa Gordon in Lisa Gordon's interview signed February 15, 2015 at BSN DOL 584, 587-89; AND the "different analyses," "compensation analyses," "adverse impact analyses," "internal audits," OR "internal self-audits" that YOU conducted that were referenced by Shauna Holman-Harries in her March 26, 2015, interview at BSN DOL 36769, 36772-73.

151. Produce all DOCUMENTS RELATED TO any actions YOU took during the RELEVANT TIME PERIOD in response to any ANALYSES conducted pursuant to the previous document production request.

152. Produce all DOCUMENTS RELATED TO "Oracle's evaluation of its compensation system" that Shauna Holman-Harries referenced in her June 2, 2015, e-mail at BSN DOL 1212 for YOUR Information Technology, Product Development AND Support Job Functions during the RELEVANT TIME PERIOD, including but not limited to, all of evaluations that YOU

conducted, the underlying data OR information considered in these evaluations, AND the COMMUNICATIONS RELATED TO these evaluations.

153. All DOCUMENTS RELATED TO any actions YOU took during the RELEVANT TIME PERIOD in response to any evaluation conducted pursuant to the previous document production request.

154. Produce all DOCUMENTS RELATED TO YOUR "pay audits to assess legal compliance with Oracle's non-discrimination obligations and to further ensure Oracle's compensation policies and practices are carried out" that Shauna Holman-Harries referenced in her June 2, 2015, e-mail at BSN DOL 1212 for YOUR Information Technology, Product Development AND Support Job Functions during the RELEVANT TIME PERIOD, including but not limited to, all of audits that YOU conducted, the underlying data OR information considered in these audits, AND the COMMUNICATIONS RELATED TO these audits.

155. All DOCUMENTS RELATED TO any actions YOU took during the RELEVANT TIME PERIOD in response to any audits conducted pursuant to the previous document production request.

156. Produce all DOCUMENTS RELATED TO any ANALYSES YOU conducted of the SELECTION PROCESS YOU used to HIRE COLLEGE RECRUITS to work for YOU in the PT1 Job Group during the RELEVANT TIME PERIOD.

157. Produce all DOCUMENTS RELATED TO any actions YOU took during the RELEVANT TIME PERIOD in response to any ANALYSES conducted pursuant to the previous document production request.

158. Produce all DOCUMENTS RELATED TO the data, information AND DOCUMENTS you provided to any person at Orrick, Herrington & Sutcliffe, LLP to conduct any ANALYSES

AND evaluation(s) referenced in document production request nos. 143-157, 160-165, 174-175 including, but not limited to, the data, information AND DOCUMENTS that YOU provided to Orrick, Herrington & Sutcliffe, LLP to conduct these ANALYSES AND any data, information AND DOCUMENTS Orrick, Herrington & Sutcliffe, LLP provided to YOU regarding the ANALYSES it conducted.

159. Produce all DOCUMENTS RELATED TO any actions YOU took during the RELEVANT TIME PERIOD in response to any ANALYSES OR evaluation(s) conducted by Orrick, Herrington & Sutcliffe, LLP.

160. Produce all DOCUMENTS RELATED TO YOUR establishment of OR changes to salary grade ranges for the job titles within YOUR Information Technology, Product Development AND Support Job Functions during the RELEVANT TIME PERIOD, including DOCUMENTS RELATED TO YOU matching job titles to salary grades, DOCUMENTS RELATED TO YOUR annual review of market data to adjust salary grades, DOCUMENTS RELATED TO salary surveys YOU reviewed, AND DOCUMENTS RELATED TO the matching of YOUR jobs AND the survey jobs that Lisa Gordon referenced in her interview signed February 15, 2015, at BSN DOL 584, 578. This request includes documents pertaining to salary grades that were matched to job titles prior to the RELEVANT TIME PERIOD wherein this matching remained in effect during the RELEVANT TIME PERIOD.

161. Produce all DOCUMENTS IDENTIFYING the COMPENSATION AND COMPA-RATIO information that Oracle reviewed during the RELEVANT TIME PERIOD when it considered HIRING OR transferring someone from another company OR an Oracle-affiliated company such as Oracle India Pvt. Ltd. OR a company that YOU acquired to work in the Product Development, Information Technology AND Support Job Functions, including, but not

limited to, the person's: annual OR base salary in the other company in United States dollars; annual OR base salary in the other company in another country's currency, COMPA-RATIO in the other company in another company's currency, bonuses received in the other company, AND what a person's COMPA-RATIO would be with their new salary in the United States in dollars.

162. Produce all YOUR POLICIES, PRACTICES OR PROCEDURES RELATING TO how each employee in the Product Development, Information Technology AND Support Job Functions were ASSIGNED to product lines, product line groups, teams, OR organizations during the RELEVANT TIME PERIOD. This includes assignments requested by YOUR employees AND assignments directed by YOU.

163. For each employee in the Product Development, Information Technology AND Support Job Functions, produce DOCUMENTS RELATING TO what initial product line, product line groups, team, AND organization each employee was ASSIGNED when the employee first started working for Oracle, including DOCUMENTS IDENTIFYING who made the decision for the assignment, DOCUMENTS IDENTIFYING when the assignment decision was made AND DOCUMENTS IDENTIFYING why each employee was ASSIGNED to a particular product line, product line group, team AND organization..

164. Produce all COMMUNICATIONS (including, but not limited to, memos, letters, emails, spreadsheets, reports, print outs, text messages, computer screen shots, computer files, to include any attachments to any of these examples) regarding YOUR employees expressing a desire to move (i.e., transfer) from their current position to a different supervisor, product, product line, organization, OR team in the Product Development, Information Technology AND Support Job Functions during the RELEVANT TIME PERIOD, including, but not limited to DOCUMENTS IDENTIFYING: requests to transfer, evaluations of transfer, justifications for transfer,

SUPPORT for transfer OR recommending rejection of transfer, acceptance OR rejection of transfer, headcount OR budget changes because of the transfer.

165. Produce all YOUR POLICIES, PRACTICES OR PROCEDURES RELATING TO the movement (i.e., transfer) of YOUR employees from their current position to a different supervisor, product, product line, organization, OR team in the Product Development, Information Technology AND Support Job Functions during the RELEVANT TIME PERIOD, including, but not limited to DOCUMENTS IDENTIFYING: information to be included in a transfer request AND the approval OR rejection thereof; guidance for approvals AND rejections of transfer requests; the effect of transfers on headcount; the effect of transfers on budgets, AND PAY DECISIONS RELATED TO transfer.

166. Produce all unredacted deposition transcripts of depositions taken in the *Jewett et al. v. Oracle America, Inc.*, California state case number 17-CIV-02669 litigation.

167. Produce all DOCUMENTS YOU produced to OR received from the plaintiffs in the *Jewett et al. v. Oracle America, Inc.*, California state case number 17-CIV-02669 litigation that were not previously produced in this litigation.

168. Produce all DOCUMENTS YOU provided to OR received from the plaintiffs in the *Jewett et al. v. Oracle America, Inc.*, California state case number 17-CIV-02669 litigation RELATED TO written discovery requests (e.g., interrogatories, requests for admissions, requests for the production of DOCUMENTS) to include the discovery requests, the responses AND meet AND confer COMMUNICATIONS RELATED TO the discovery requests OR responses. This request does not include the DOCUMENTS actually produced RELATED TO the responses, but it does include any AND all COMMUNICATIONS RELATED TO the written discovery requests OR responses thereto.

169. Produce all COMMUNICATIONS (including, but not limited to, memos, letters, emails, spreadsheets, photographs, transcripts, reports, print outs, text messages, computer screen shots, computer files, to include any attachments to any of these examples) RELATED TO allocating budget funds to each organization OR supervisor within the different product lines AND product groups in the Product Development, Information Technology AND Support Job Functions during the RELEVANT TIME PERIOD, including, but not limited to DOCUMENTS pertaining to the amount of budget funds allocated to each organization OR Supervisor, who made each of the decisions to allocate the budget funds allocated, the date each allocation decision was made, what each person who allocated the budget funds considered when allocating these funds OR why each person who allocated the budgets funds chose the specific amount of budget funds allocated to the specific organizations he/she allocated it.

170. Produce all COMMUNICATIONS (including, but not limited to, memos, letters, emails, spreadsheets, photographs, transcripts, reports, print outs, text messages, computer screen shots, computer files, electronic approvals, to include any attachments to any of these examples) wherein someone having a Global Career Level of M7 OR above made any decisions in the SELECTION PROCESS OR PAY DECISIONS for anyone working in the Product Development, Information Technology AND Support Job Functions OR PT1 Job Group during the RELEVANT TIME PERIOD, including, but not limit to, approving job offers, transfers, promotions to a higher Global Career Level, COMPENSATION OR approving recommendations for job offers, transfers, promotions OR COMEPNSATION..

171. Produce all DOCUMENTS during the RELEVANT TIME PERIOD RELATED TO the "TK Campus Program" OR "TK Campus Hires" OR "IDC Campus Hires" wherein college graduates from India were HIRED to work in the PT1 Job Group OR Product Development Job

Function.

172. Produce all COMMUNICATIONS (including, but not limited to, memos, letters, emails, spreadsheets, photographs, transcripts, reports, print outs, text messages, computer screen shots, computer files, electronic approvals, to include any attachments to any of these examples) during the RELEVANT TIME PERIOD between YOU AND COLLEGE RECRUITS.

173. Produce the YOUR AAPs for HQCA YOU are required to make AND maintain pursuant to 41 C.F.R. §§ 60-2.10(b) & (c) from 2013 to the present.

174. Produce all DOCUMENTS RELATED TO any actions YOU took during the RELEVANT TIME PERIOD in response to any ANALYSES YOU conducted pursuant to 41 C.F.R. § 60-2.12 for YOUR Information Technology, Product Development AND Support Job Functions OR YOUR PT1 Job Group.

175. Produce all DOCUMENTS RELATED TO any actions YOU took during the RELEVANT TIME PERIOD in response to any ANALYSES YOU conducted pursuant to 41 C.F.R. § 60-2.12 for YOUR Information Technology, Product Development AND Support Job Functions OR YOUR PT1 Job Group.

176. Produce the data AND DOCUMENTS YOU relied upon when creating the "job groups" in YOUR affirmative action programs during the RELEVANT TIME PERIOD.

177. Produce all COMPENSATION DOCUMENTS for every employee working in the Product Development, Information Technology AND Support Job Functions during the RELEVANT TIME PERIOD.

178. Produce all COMPENSATION DOCUMENTS for every employee working in the Product Development, Information Technology AND Support Job Functions from January 1, 1985, through AND including December 31, 2012, whether OR not they were employees in one

of these Job Functions after January 1, 2013.

179. Produce all DOCUMENTS IDENTIFYING the COMPENSATION AND COMPA-RATIO information that YOU reviewed during the RELEVANT TIME PERIOD when YOU considered HIRING OR transferring someone from an another company OR an Oracle affiliated company, e.g., Oracle India Pvt. Ltd., OR a company that YOU acquired to work in the Product Development, Information Technology AND Support Job Functions, including, but not limited to, the person's: annual OR base salary in the other company in United States dollars; annual OR base salary in the other company in another country's currency; annual OR base salary at Oracle's headquarters located at Redwood Shores, California; COMPA-RATIO in the other company AND at Oracle's headquarters located at Redwood Shores, California; bonuses AND stocks received in the other company; AND, if applicable, Global Career Level in the other company AND at Oracle's headquarters located at Redwood Shores, California.

180. For employees listed in the HQCA_iRec_MAIN.xlsx file having a "HIRE_TYPE" of "International Transfer" in Column AR, OR for YOUR employees for which a salary is in a denomination other than US dollars that is listed in the CANDIDATE_CURRENT_SALARY_ATV (Column BC), produce YOUR employee's last COMPA-RATIO at that Oracle affiliate.

181. Produce all DOCUMENTS of YOUR POLICIES, PRACTICES OR PROCEDURES, RELATING TO the SELECTION PROCESS for COLLEGE RECRUITS from June 1, 2012, to the present.

182. Produce all DOCUMENTS of YOUR POLICIES, PRACTICES OR PROCEDURES, RELATING TO seeking, referring to OR using prior pay information from APPLICANTS, COLLEGE RECRUITS, HIRES OR anyone involved in the SELECTION PROCESS during the

RELEVANT TIME PERIOD.

183. Produce all DOCUMENTS RELATING TO the prior pay of APPLICANTS, COLLEGE RECRUITS, HIRES OR anyone involved in the SELECTION PROCESS during the RELEVANT TIME PERIOD IN YOUR Product Development, Information Technology AND Support Job Functions OR PT1 Job Group, including, but not limited to, DOCUMENTS received from APPLICANTS, COLLEGE RECRUITS, HIRES OR anyone involved in the SELECTION PROCESS, DOCUMENTS showing how YOU used the prior pay information received to make PAY DECISIONS, AND DOCUMENTS comparing OR evaluating the person's prior pay.

DATED: January 30, 2019

JANET M. HEROLD
Regional Solicitor

JEREMIAH MILLER
Acting Counsel for Civil Rights

LAURA C. BREMER
Senior Trial Attorney

/s/ Norman E. Garcia
NORMAN E. GARCIA
Senior Trial Attorney

Attorneys for OFCCP
Office of the Solicitor
United States Department of Labor
90 7th Street, Suite 3-700
San Francisco, California 94103
Tel: (415) 625-7747
Fax: (415) 625-7772
Email: garcia.norman@dol.gov

CERTIFICATE OF SERVICE

I am a citizen of the United States of America and am over eighteen years of age. I am not a party to the instant action; my business address is 90 Seventh St., Rm. 3-700, San Francisco, CA 94103.

On the date indicated below, I served the foregoing **OFCCP'S FIFTH SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS TO ORACLE AMERICA, INC.** by electronic mail, by prior written agreement between counsel, to the following:

Connell, Erin M.: econnell@orrick.com

Kaddah, Jacqueline D.: jkaddah@orrick.com

James, Jessica R. L.: jessica.james@orrick.com

Siniscalco, Gary: grsiniscalco@orrick.com

I certify under penalty of perjury that the above is true and correct.

Executed: January 30, 2019

/s/ Laura C. Bremer
LAURA C. BREMER
Senior Trial Attorney

Office of the Solicitor
U.S. Department of Labor

EXHIBIT 26

EXHIBIT 26

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS, UNITED STATES DEPARTMENT OF LABOR, Plaintiff, v. ORACLE AMERICA, INC., Defendant.	OALJ Case No. 2017-OFC-00006 OFCCP No. R00192699 **DEFENDANT ORACLE AMERICA, INC.'S RESPONSES & OBJECTIONS TO FIFTH SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS**

PROPOUNDING PARTY: Plaintiff OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS, UNITED STATES DEPARTMENT OF LABOR

RESPONDING PARTY: Defendant ORACLE AMERICA, INC.

Pursuant to 41 C.F.R. § 60-30.10 and, as applicable, Rule 34 of the Federal Rules of Civil Procedure, Defendant Oracle America, Inc. ("Oracle") responds to Plaintiff Office of Federal Contract Compliance Programs, United States Department of Labor's ("OFCCP") Fifth Set of Requests for Production of Documents ("Requests") as follows:

PRELIMINARY STATEMENT

Oracle has not completed its investigation of the facts related to this case and therefore its responses are of a preliminary nature. Further discovery, investigation, and research may bring to light additional relevant facts that may lead to changes in the responses set forth below. Although these responses are complete to the best of Oracle's knowledge at this time, these responses are given without prejudice to Oracle's right to amend its objections and responses or to produce additional relevant evidence that may come to light regarding the issues raised in this lawsuit. To the extent applicable, nothing contained in these responses shall in any way limit Oracle's ability to make all uses at trial or otherwise of the information or documents referenced herein or of any subsequently discovered information or documents or of information or

documents omitted from these responses as a result of good faith oversight, error, or mistake.

This set of 52 Requests arrived after OFCCP previously served—and Oracle responded to—130 prior Requests for Production. Following its written responses and objections, Oracle has produced over 96,000 documents as well as over 85 million discrete fields of data in its database production. Indeed, in October 2017, Oracle produced tens of thousands of additional documents in response to OFCCP's prior requests. Moreover, a large number of OFCCP's new Requests, as explained in greater detail below, are entirely duplicative of, or subsumed within, prior Requests made by OFCCP to which Oracle has already responded. It is difficult to see how such frivolous and unnecessary Requests have any purpose other than improper harassment.

For the reasons set forth in Oracle's initial Answer and its prior Responses and Objections to OFCCP's first four sets of Requests, and because OFCCP has stated it is not pursuing claims related to recruiting and hiring of experienced employees at this time, Oracle's responses to the document requests related to OFCCP's recruiting and hiring claims are limited to College Recruiting for the PT1 job group at Oracle's Redwood Shores, CA, location, assuming OFCCP will provide specification of the universe of the "college recruit" population now that OFCCP has receded from its recruiting claims concerning "experienced hires." Likewise, responses to the document requests related to OFCCP's compensation claims are limited to positions in the Product Development, Support, and Information Technology job functions at Oracle's Redwood Shores, CA, location.

While Oracle maintains its objection that any production should be limited to responsive documents from the period of January 1, 2013, through June 30, 2014, for Requests related to OFCCP's hiring claims, and January 1, 2013, through December 31, 2014, for Requests related to OFCCP's compensation claims, in the interest of cooperation, and without waiving its objections or the right to restrict its production, Oracle will meet and confer regarding the appropriate cutoff date to govern its production.

These responses are made solely for purposes of this action, and are subject to all objections as to competence, authenticity, relevance, materiality, propriety, admissibility, and

any and all other objections and grounds that would or could require or permit the exclusion of any document, or statement therein, from evidence, all of which objections and grounds are reserved and may be interposed at the time of trial.

No incidental or implied admissions are intended by these responses. The fact that Oracle has responded or objected to any request or part thereof shall not be deemed an admission that Oracle accepts or admits the existence of any facts set forth or assumed by such request. Nor shall Oracle's responses or objections be deemed an admission that any statement or characterization in any request is accurate or complete, or that any particular document exists, is relevant, or is admissible in evidence.

GENERAL OBJECTIONS

Oracle objects to these Requests on the ground that they are propounded and founded upon various rulings made by Judge Larsen that affect the scope of the litigation and matters relevant and at issue for purposes of discovery. Judge Larsen, on October 15, 2018, indicated he should have granted Oracle's motion to disqualify him. Furthermore, on January 22, 2019, OFCCP filed a motion seeking leave to file a Second Amended Complaint. In light of the foregoing, the scope of this litigation and matters relevant for purposes of discovery are in a state of flux. These requests, therefore, rest on conjecture and assumptions and are not the proper subject of discovery at this time.

Oracle further objects generally to these Requests on the grounds that they are unduly burdensome and oppressive and not proportionate to the needs of this case, coming as they do at this late date in this proceeding, with a trial date set for December 2019, and with the state of the pleadings still remaining unsettled as of this date. Oracle notes that prior data discovery in this litigation has been obtained in substantial part by the use of scrips, and that those scrips are now out-of-date owing both to interim changes in the underlying data sources effected in the ordinary course of Oracle's business and by OFCCP's withdrawal of its claims focused on experienced hires. Updating Oracle's prior discovery responses, therefore, would require the significant development of new scrips and the retrieval and review of information through their use,

rendering the process of discovery production time-consuming and impracticable within the time period allowed for it unless constrained within reasonable bounds and confined to information that is actually necessary at this late date for OFCCP to prosecute its claims.

Oracle further objects generally to these Requests to the extent they presume and assume that all information and documents produced by Oracle to OFCCP in the underlying compliance audit and investigation is reasonably discoverable in or proportionate to the needs of this litigation, in that the compliance audit and investigation were significantly broader that the claims in this litigation and much of the information produced for review during the compliance investigation is irrelevant or only tangentially relevant to matters actually in issue in this litigation.

OBJECTIONS TO SPECIFIC DEFINITIONS

DEFINITION NO. 1. "YOU" and "YOUR" mean Oracle America, Inc. and all of its agents, representatives, attorneys, accountants, consultants, successors, subsidiaries, or divisions.

OBJECTION TO DEFINITION NO. 1:

Because of OFCCP's lack of clarification or limitation of these terms, Oracle objects to these definitions of "YOU" and "YOUR" as vague, ambiguous, overbroad, unduly burdensome and oppressive, and encompassing information not relevant to any party's claim or defense nor proportional to the needs of the case, particularly to the extent that these terms expansively include Oracle's agents, representatives, attorneys, consultants, successors, subsidiaries or divisions. Oracle further objects to this definition to the extent it includes information protected by the attorney-client privilege, the attorney work product doctrine, or calls for a legal conclusion as to the relationship between Oracle and other entities, including agents. Oracle further objects to this definition to the extent it seeks documents that are not relevant to the discriminatory conduct allegedly engaged in at Oracle's Redwood Shores, CA location. Accordingly, and in light of OFCCP's Instruction No. 1, which provides "Unless otherwise stated, these requests RELATE TO Oracle's headquarters located at Redwood Shores, California," Oracle's responses, objections and productions are limited to documents related to

and focused only upon Oracle America, Inc., and limited to its headquarters and to employment located at Redwood Shores, California.

DEFINITION NO. 2. "RELEVANT TIME PERIOD" means January 1, 2013 to the present unless otherwise stated.

OBJECTION TO DEFINITION NO. 2:

Oracle objects to this definition as including the term "present", which renders the phrase vague, ambiguous, overbroad, unduly burdensome and oppressive, and encompassing information not relevant to any party's claim or defense nor proportional to the needs of this case. As noted above, Oracle maintains its objections that its responses, objections and productions should be limited to the relevant periods of January 1, 2013, through June 30, 2014, for Requests related to OFCCP's hiring claims and January 1, 2013, through December 31, 2014 for Requests related to OFCCP's compensation claims. Nevertheless, while preserving and maintaining its objections, Oracle will act in compliance with outstanding rulings on the relevant period and with agreement with OFCCP on the outer ongoing boundary of that period.

DEFINITION NO. 3. "ANALYSES" means any AND all draft AND final narratives, summaries, chronologies, determination memorandums, statistical summaries, charts, matrices, spreadsheets, audits, evaluations, studies, methodologies, models, actual computations, AND regression AND other statistical analyses.

OBJECTION TO DEFINITION NO. 3:

Oracle objects to this definition as vague, ambiguous, and overbroad because it includes documents that would rarely if ever be considered analyses. For example, narratives, summaries, chronologies, memoranda, and spreadsheets may or may not include any actual analysis, and as a result cannot categorically be deemed to be analyses within the commonly understood definition of the word. Furthermore, to the extent a document is an analysis within the commonly understood meaning, such a broad definition includes and encompasses analyses that are not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this definition on the grounds that, by its terms, together with the definition of YOU

and YOUR, it would include *all* documents protected from discovery by the attorney-client privilege and the attorney work-product doctrine.

DEFINITION NO. 4. "AND" and "OR" shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive.

DEFINITION NO. 5. "APPLICANT" means any person who YOU received expressions of interest, solicited, recruited, communicated with, screened, interviewed, evaluated, determined starting salary AND other COMPENSATION for, OR extended offers to, persons who expressed interest in a job at Oracle.

OBJECTION TO DEFINITION NO. 5:

Oracle objects to this definition on the grounds that it is vague, ambiguous, uncertain, incoherent and incomprehensible. Even speculating on what this Definition is intended to include, Oracle objects to this definition on the grounds that it does not set forth with reasonable particularity the nature of the "expressions of interest" referenced.

DEFINITION NO. 6. "ASSIGNED" means responsible, designated, appointed, worked on, performed work.

OBJECTION TO DEFINITION NO. 6:

Oracle objects to this definition on the grounds that it is vague, ambiguous, inherently incomplete and incoherent. Oracle further objects to this definition on the ground that it is argumentative. Oracle further objects to this definition on the grounds that it is irrelevant to the hiring process at issue in this case, inasmuch as individuals apply for employment against specific requisitions or, as college recruits, choose the positions in which they wish to serve.

DEFINITION NO. 7. "CAP-GAP EXTENSION" means a temporary extension of employment authorization under provisions allowing relief for holders of F-1 US VISAs who are seeking H1-B VISAs.

OBJECTION TO DEFINITION NO. 7:

Oracle objects to this definition on the grounds that it is vague, ambiguous, uncertain, argumentatively assumes legal conclusions and calls for legal conclusions.

DEFINITION NO. 8. "COLLEGE RECRUIT" means any person who expresses interest OR applies to YOU through YOUR college recruiting program (including undergraduate students, graduate students AND recent graduates) for positions in the Professional Technical I, Individual Contributor Job Group, including product development positions.

OBJECTIONS TO DEFINITION NO. 8:

Oracle objects to this definition on the grounds that it is vague, ambiguous, uncertain, overbroad, conclusory and, in its unlimited breadth, would include information not available to Oracle and information not relevant to any party's claims or defenses in this proceeding. Oracle further objects to this definition in its inclusion of the terms "person," "expresses interest," and "college recruiting program," which further render the definition vague, ambiguous, overbroad, unduly burdensome and oppressive, and encompassing information not relevant to any party's claims or defenses nor proportional to the needs of this case. Oracle further objects to this definition on the grounds that it is uncertain and calls for speculation now that OFCCP has receded from its claims related to experienced hires, with respect to which Oracle requests that OFCCP further and more specifically define the universe of population it purports to include within the term "college recruit."

DEFINITION NO. 9. "COMMUNICATIONS" means all transactions OR transfers of information of any kind, whether orally, in writing, OR in any other manner, at any time OR place, under any circumstances whatsoever.

OBJECTION TO DEFINITION NO. 9:

Oracle objects to this definition as including the phrase "all transactions or transfers" and the term "orally," which render the definition vague, ambiguous, uncertain, and overbroad, and encompassing information not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this definition on the grounds that, by its terms, together with the definition of YOU and YOUR, it would include all documents protected from discovery by the attorney-client privilege and the attorney work-product doctrine. Oracle further

objects to this definition to the extent it would include documents or information beyond existing written or electronically stored information in the custody, control and possession of Oracle America, Inc., and related to employment at its Redwood Shores, California headquarters.

DEFINITION NO. 10. "COMPA-RATIO" means the ratio of the employee's base salary to the midpoint of their job's salary range multiplied by 100.

OBJECTION TO DEFINITION NO. 10:

Oracle objects to this definition on the grounds that, given OFCCP's recession from its pay equity and hiring discrimination claims based on experienced hires, this definition is overbroad and, in the unlimited scope of its terms, extends to large numbers of employees whose salaries are irrelevant to any party's claim or defense actually in issue in this litigation. Oracle further objects to this definition on the grounds that it is vague, ambiguous, uncertain and argumentative, particularly in regard to its reference to "job salary range."

DEFINITION NO. 11. "COMPENSATION" means any payments made to, OR on behalf of, YOUR employee as remuneration for employment, including but not limited to, salary, wages, money for relocation, overtime pay, shift differentials, commissions, bonuses, vacation AND holiday pay, retirement AND other benefits, stock options AND awards, AND profit sharing.

OBJECTION TO DEFINITION NO. 11:

Oracle objects to this definition on the grounds that it is vague, ambiguous, overbroad and argumentative, in its use of the term "remuneration for employment", inasmuch as "money for relocation" is not generally considered compensation, and overtime pay, shift differentials, vacation and holiday pay, and retirement and other benefits are governed by generally applicable Oracle policies and procedures that are not specific to Oracle's Redwood Shores, California headquarters and not in dispute with respect to any party's claim or defense actually in issue in this litigation, and that detailed, individualized discovery into such matters is unduly burdensome, oppressive and not proportional to the needs of this case.

DEFINITION NO. 12. "DOCUMENT" means all writings of any kind, including any written, printed, typed, electronically stored, OR other graphic matter of any kind OR nature AND all

mechanical OR electronic sound recordings OR transcripts thereof, in YOUR possession OR control OR known by YOU to exist, AND also means all copies of DOCUMENTS by whatever means made, including, but not limited to: papers, letters, correspondence, emails, text messages, presentations, manuals, computerized files, computerized spreadsheets, telegrams, interoffice communications, memoranda, notes, notations, notebooks, reports, records, accounting books OR records, schedules, tables, charts, transcripts, publications, scrapbooks, diaries, AND any drafts, revisions, OR amendments of the above, AND all other materials enumerated in the definition provided in Rule 34 of the Federal Rules of Civil Procedure.

OBJECTION TO DEFINITION NO. 12:

Oracle objects to this definition on the grounds that it is internally redundant and cumulative and as such would include duplicative information and documents regardless of relevance and, as such, its application would be unduly burdensome and not reasonably proportional to the needs of this case. Oracle further objects to this definition as including the phrase "OR known by YOU to exist," which, to the extent such documents are not in Oracle's possession, custody, or control, encompasses documents beyond those that Oracle has any obligation to produce. Oracle further objects to this definition on the grounds that, by its terms, together with the definition of YOU and YOUR, it would include all documents protected from discovery by the attorney-client privilege and the attorney work-product doctrine.

DEFINITION NO. 13. "HIRING" OR "HIRE,"" means to establish an employer to employee relationship, to employ someone.

DEFINITION NO. 14. "LIST" means a compilation of information, a record of information AND includes Excel spreadsheets OR other types of documents OR files compiling information.

OBJECTION TO DEFINITION NO. 14:

Oracle objects to this definition on the grounds it is vague, ambiguous, overbroad and fails to comport with the commonly understood meaning of the term "list". Oracle further objects to this definition on the grounds that, by its terms, together with the definition of YOU and YOUR, it would include all documents protected from discovery by the attorney-client

privilege and the attorney work-product doctrine.

DEFINITION NO. 15. "OFCCP" means the Office of Federal Contract Compliance Programs, United States Department of Labor.

DEFINITION NO. 16. "OPT EXTENSION" means Optional Practical Training employment authorization extension for students with F-1 US VISAs.

OBJECTION TO DEFINITION NO. 16:

Oracle objects to this definition on the grounds that it is vague, ambiguous, uncertain, argumentatively assumes legal conclusions and calls for legal conclusions.

DEFINITION NO. 17. "PAY DECISION" means any choice Oracle made about a person's COMPENSATION, including whether to give OR not to give a particular type of COMPENSATION (e.g. starting pay, bonus, stock options), the amount of COMPENSATION to give, OR to change OR not to change the amount of COMPENSATION of a person.

OBJECTION TO DEFINITION NO. 17:

Oracle objects to this definition on the grounds that it is vague, ambiguous, uncertain, overbroad and argumentative, particularly inasmuch as it is devoid of any specification of the conditions or circumstances under which a "pay decision" is to be deemed to be made or to have been made, and on the grounds that the term "COMPENSATION" itself is ambiguous and overbroad as objected to above.

DEFINITION NO. 18. "POLICIES," "PRACTICES," or "PROCEDURES" mean each rule, action, OR directive, whether formal OR informal, AND each common understanding OR course of conduct that was recognized as such by YOUR present OR former officers, agents, employees, OR other PERSONS acting OR purporting to act on YOUR behalf OR at YOUR direction, that was in effect at any time during the RELEVANT TIME PERIOD. These terms include any changes that occurred during the RELEVANT TIME PERIOD and include their implementing criteria.

OBJECTION TO DEFINITION NO. 18:

Oracle objects to this definition as including the phrases "informal," "common

understanding," "course of conduct," "implementing criteria," and "rule, action, or directive, whether formal or informal," which render the definition vague, ambiguous, uncertain, speculative and argumentative. Oracle further objects to this definition as overbroad, unduly burdensome and oppressive, and encompassing policies or procedures not relevant to any party's claim or defense nor proportional to the needs of the case.

DEFINITION NO. 19. "RELATED TO" means constituting, memorializing, evidencing, containing, showing, supporting, contradicting, summarizing, pertaining to, OR referring to, whether directly OR indirectly, the subject of the particular request.

DEFINITION NO. 20. "SELECTION PROCESS" mean [sic] YOU responding to expressions of interest, soliciting, recruiting, communicating with, screening, interviewing, evaluating, determining starting salary AND other COMPENSATION for, OR, extending job offers to, persons who express interest in a job at Oracle.

OBJECTION TO DEFINITION NO. 20:

Oracle objects to this definition on the grounds that it is compound, argumentative and uncertain, including, but not limited to, its attempted inclusion of "determining starting salary and other compensation" in its concept of "selection process."

DEFINITION NO. 21. "STEM OPT EXTENSION" means Optional Practical Training employment authorization extension for students with F-1 US VISAs who earned degrees in science, technology, engineering, OR mathematics.

OBJECTION TO DEFINITION NO. 21:

Oracle objects to this definition on the grounds that it is vague, ambiguous, uncertain, argumentatively assumes legal conclusions and calls for legal conclusions.

DEFINITION NO. 22. "SUPPORTING" OR "SUPPORTS" means relied upon, used, sustained, utilized.

OBJECTION TO DEFINITION NO. 22:

Oracle objects to this definition as vague, ambiguous, overbroad, and extending to support materials not relevant to any party's claim or defense nor proportional to the needs of the

case. Furthermore, the definition is contrary to the ordinarily understood meaning of the word, which does not mean used, sustained or utilized, rendering the term unintelligible.

DEFINITION NO. 23. "USCIS" means the United States Custom AND Immigration Services.

OBJECTION TO DEFINITION NO. 23:

Oracle objects to this definition on the grounds that it is irrelevant to OFFCP's responsibilities and authority in this case and on the grounds that, given OFCCP's definition of the term "AND," there are no governmental entities recognized by such a name, rendering the definition vague, ambiguous, and unintelligible. Oracle further objects on the grounds that its reference is to matters that are beyond the OFCCP's authority or jurisdiction..

DEFINITION NO. 24. "US VISA" means an endorsement issued by an authorized representative of the United States AND marked in a passport, permitting the passport holder to enter, travel through, OR reside in the United States.

OBJECTION TO DEFINITION NO. 24:

Oracle objects to this definition on the grounds that it is irrelevant to OFCCP's responsibilities and authority in this case, is vague, ambiguous and uncertain and assumes legal conclusions and calls for legal conclusions.

[OFCCP'S] INSTRUCTIONS

1. Unless otherwise stated, these requests RELATE TO Oracle's headquarters located at Redwood Shores, California.

2. In responding to these requests, furnish all information that is available to YOU. If, after exercising due diligence to secure the DOCUMENTS, YOU cannot produce the requested DOCUMENTS in full, respond to the extent possible, specifying YOUR inability to produce the remainder. If YOU object to any request, state with specificity the basis for the objection, decline to respond to only that portion of the request deemed objectionable, AND respond to the balance of the request.

3. If any requested DOCUMENT was, but is no longer in YOUR possession, custody, OR control, OR is no longer in existence, state whether such DOCUMENT is:

a. missing OR lost;

b. destroyed;

c. transferred to others; OR

d. otherwise disposed of.

For any DOCUMENT so disposed of, summarize the contents of the DOCUMENT in as much detail as possible. If the DOCUMENT is missing, lost, OR destroyed, set forth the circumstances surrounding such disposition. If the DOCUMENT was transferred to others OR otherwise disposed of, describe in detail the authorization for such disposition, state the date OR closest approximate date known to YOU of such disposition, state the date OR closest approximate date known to YOU of such disposition, state the current location of the DOCUMENT, AND IDENTIFY the custodian of all copies of such DOCUMENT.

4. These requests are intended to cover all DOCUMENTS in existence OR in effect at any time during the RELEVANT TIME PERIOD. If any responsive DOCUMENT has changed over the RELEVANT TIME PERIOD, produce all responsive DOCUMENTS, regardless of whether they reflect YOUR POLICIES, PRACTICES OR PROCEDURES that are no longer in effect.

5. With respect to the application of privileges: If YOU decline to produce any DOCUMENT OR to otherwise provide information on the basis of a claim of privilege, so state in response to the DOCUMENT production request. Any part of a DOCUMENT for which YOU do not claim a privilege must be produced. Furnish a complete log of any DOCUMENTS OR portions of DOCUMENTS withheld on the basis of privilege, describing each such

DOCUMENT OR portion thereof in a manner that will enable OFCCP to assess the applicability of the privilege being asserted. This includes, without limitation, setting forth for each such DOCUMENT the dates the DOCUMENT was prepared AND transmitted, to whom AND from whom the DOCUMENT was transmitted, including copies thereof, the length of the DOCUMENT, the privilege(s) claimed, AND the factual basis for the claim of each privilege.

6. UNDER 41 C.F.R. § 60-30.1 AND Rule 26(e) of the Federal Rules of Civil Procedure, these requests for production are continuing in nature AND, to the extent that the responses may be enlarged, diminished, OR otherwise modified by information acquired by YOU OR YOUR attorneys after filing this response, YOU AND YOUR attorneys are required to promptly serve AND file supplemental DOCUMENTS reflecting the changes.

7. The parties responding to these requests are charged with knowledge of what they know, what their agents, employees, servants, representatives, AND attorneys know, what is in records available to them, AND what others have told them on which they intend to rely in their defense.

8. All DOCUMENT productions made in response to these requests must comply with OFCCP's technical specifications previously provided.

OBJECTIONS TO OFCCP'S INSTRUCTIONS:

Oracle objects to the foregoing Instructions to the extent they conflict with, exceed, or are inconsistent with the requirements of 41 C.F.R. § 60-30.10 or the Federal Rules of Civil Procedure, particularly Rules 26 and 34.

RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 131:

For all of the people who were YOUR employees in the PT1 Job Group OR COLLEGE RECRUITS for the PT1 Job Group during the RELEVANT TIME PERIOD, produce all

DOCUMENTS IDENTIFYING a person's eligibility to work in the United States, including, but not limited to, a person being on a US VISA OR any extension thereto (e.g., E-3, F-1, F-1 with OPT EXTENSION, F-1 with STEM OPT EXTENSION, H-1B, H-4, J-1, L-1, L-1A, L-1B, L-2, O-1, TN, CAP-GAP EXTENSIONS); United States Passport; United States identification card; certified birth certificate issued by the city, county OR state of birth; Consular Report of Birth (of U.S. citizen) Abroad OR Certification of Birth; Naturalization Certificate; Certificate of Citizenship; foreign passport with an I-551 stamp; foreign passport with Form I-94 containing an endorsement of nonimmigrant status; alien registration receipt card; alien permanent resident card (aka green card); employment authorization card (e.g., filled out I-765 form for YOUR employees); employment authorization document; Social Security card; USCIS' Employment Eligibility Verification Form (i.e., USCIS's I-9 Form) filled out for YOUR employees; USCIS' Petition for a Non-Immigrant Worker Form (i.e., USCIS's I-129 Form) filled out for YOUR employees; YOUR "Employment Eligibility Questionnaire" in any of its forms (e.g., Bates stamp number ("BSN") ORACLE_HQCA_1279 & 2003); YOUR "VISA Status Questionnaire" in any of its forms (e.g., ORACLE_HQCA_916).

RESPONSE TO REQUEST FOR PRODUCTION NO. 131:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle objects to the term IDENTIFYING as a capitalized yet undefined term. The commonly understood meaning of that term renders the Request vague, ambiguous, and unintelligible. Oracle further objects to this Request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request on the grounds that it is internally redundant and redundant of information and documents Oracle has already produced to OFCCP and therefore unduly burdensome and not reasonably proportional to the needs of this case. Oracle further objects to this Request on the grounds that the information requested is neither relevant to any party's claim or defense nor proportional to the needs of the case. In the event the requested documents are relevant in some manner, such materials are only tangentially relevant to matters legitimately

in issue in this case and disproportionate when weighed against the burden and expense of the requested discovery in relation to any likely benefit from it. Oracle further objects that this Request is overbroad in seeking responsive documents for both the PT1 Job Group and COLLEGE RECRUITS, and the relevance of the requested documents for those groups is not apparent. Additionally, although OFCCP's Amended Complaint included claims related to hiring and recruiting discrimination for both college recruits and experiences employees into the PT1 job group, OFCCP has since stated it is not pursuing claims with respect to experienced employees at this time, which further renders the Request overbroad, unduly burdensome and irrelevant. Oracle further objects to this Request on the grounds that, in its attempt to obtain birthplace, date-of-birth, social security and other information, it is unreasonably and impermissibly invasive of the privacy rights of individuals. Oracle further objects to this Request on the grounds that it purports to require production of broad, cumulative and redundant immigration, visa, citizenship and work eligibility information and as such is beyond, and an abuse of, OFCCP's authority and jurisdiction. Oracle further objects to this Request on the grounds that most of the information requested in it is maintained only in hard-copy files and therefore not readily retrievable without extensive manual searches and so is oppressive and unnecessary to resolution of the matters legitimately in issue in this case. Given the burden and objectionable nature of this Request for broad immigration, visa, citizenship and work eligibility information, and the apparent lack of relevance of such information, and the scope of the population for which such information is being requested, Oracle, on February 11, 2019, two weeks before these responses and objections were due, sent a letter to OFCCP asking it to articulate a rationale for these immigration, visa and work eligibility requests and to participate in working out the difficult issues they raise, to which the OFCCP responded on February 20, 2019, but without providing a rationale for this sweeping and invasive discovery or any expression of interest in meeting and conferring about the matter.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that it is prepared to meet and confer with OFCCP in good faith and may

amend or supplement its response and objections as merited.

REQUEST FOR PRODUCTION NO. 132:

For all of the people who were YOUR employees in the PT1 Job Group OR COLLEGE RECRUITS for the PT1 Job Group during the RELEVANT TIME PERIOD who were not citizens of the United States at any time during the RELEVANT TIME PERIOD, produce, to the extent not otherwise produced in response to the previous request, all DOCUMENTS of a person having a US VISA OR any extension thereto (e.g., E-3, F-1, F-1 with OPT EXTENSION, F-1 with STEM OPT EXTENSION, H-1B, H-4, J-1, L-1, L-1A, L-1B, L-2, O-1, TN, CAP-GAP EXTENSIONS); employment authorization card (e.g., filled out I-765 form for YOUR employees); employment authorization document; Social Security card; USCIS' Employment Eligibility Verification Form (i.e., USCIS's I-9 Form) filled out for YOUR employees; USCIS' Petition for a Non-Immigrant Worker Form (i.e., USCIS's I-129 Form) filled out for YOUR employee; YOUR "Employment Eligibility Questionnaire" in any of its forms (e.g., Bates stamp number ("BSN") ORACLE_HQCA_1279 & 2003); YOUR "VISA Status Questionnaire" in any of its forms (e.g., ORACLE_HQCA_916); Labor Condition Application; Immigration & Naturalization Service Work Authorization; DOCUMENTS RELATING TO YOU sponsoring people for US VISAS.

RESPONSE TO REQUEST FOR PRODUCTION NO. 132:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request on the grounds that it is internally redundant and redundant of information and documents Oracle has already produced to OFCCP and therefore unduly burdensome and not reasonably proportional to the needs of this case. Oracle further objects to this Request on the grounds that its phrase "all Documents of a person" is overbroad, oppressive, and unintelligible and incoherent in its context. Oracle further objects to this Request on the grounds that the information requested is neither relevant to any party's claim or defense nor

proportional to the needs of this case. In the event the requested documents are relevant in some manner, such materials are only tangentially relevant to matters legitimately in issue in this case and disproportionate when weighed against the burden and expense of the requested discovery in relation to any likely benefit from it. Oracle further objects to this Request on the grounds that it is overbroad in seeking responsive documents for both the PT1 Job Group and COLLEGE RECRUITS for the PT1 Job Group, and the relevance of the requested documents for those groups is not apparent. Additionally, although OFCCP's Amended Complaint included claims related to hiring and recruiting discrimination for both college recruits and experienced employees into the PT1 Job Group, OFCCP has since stated it is not pursuing claims with respect to experienced employees at this time, which further renders the Request overbroad and irrelevant. Oracle further objects to this Request on the grounds that, in its attempt to obtain birthplace, date-of-birth, social security and other personal information, it is unreasonably and impermissibly invasive of the privacy rights of individuals. Oracle further objects to this Request on the grounds that it purports to require production of broad, cumulative and redundant immigration, visa, citizenship and work eligibility information and as such is beyond, and an abuse of, OFCCP's authority and jurisdiction. Oracle further objects to this Request on the grounds that most of the information requested in it is maintained only in hard-copy files and therefore not readily retrievable without extensive manual searches and so is oppressive and unnecessary to resolution of the matters legitimately in issue in this case. Given the burden and objectionable nature of this Request for broad immigration, visa, citizenship and work eligibility information, and the apparent lack of relevance of such information, and the scope of the population for which such information is being requested, Oracle, on February 11, 2019, two weeks before these responses and objections were due, sent a letter to OFCCP asking it to articulate a rationale for these immigration, visa and work eligibility requests and to participate in working out the difficult issues they raise, to which the OFCCP responded on February 20, 2019, but without providing a rationale for this sweeping and invasive discovery or any expression of interest in meeting and conferring about the matter.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that it is prepared to meet and confer with OFCCP in good faith and may amend or supplement its response and objections as merited.

REQUEST FOR PRODUCTION NO. 133:

For all of the people who were YOUR employees in the Information Technology, Product Development AND Support Job Functions during the RELEVANT TIME PERIOD, produce all DOCUMENTS IDENTIFYING a person's eligibility to work in the United States, including, but not limited to, a person being on a US VISA OR any extension thereto (e.g., E-3, F-1, F-1 with OPT EXTENSION, F-1 with STEM OPT EXTENSION, H-1B, H-4, J-1, L-1, L-1A, L-1B, L-2, O-1, TN, CAP-GAP EXTENSIONS); United States Passport; United States identification card; certified birth certificate issued by the city, county OR state of birth; Consular Report of Birth (of U.S. citizen) Abroad OR Certification of Birth; Naturalization Certificate; Certificate of Citizenship; foreign passport with an I-551 stamp; foreign passport with Form I-94 containing an endorsement of nonimmigrant status; alien registration receipt card; alien permanent resident card (aka green card); employment authorization card (e.g., filled out I-765 form for YOUR employees); employment authorization document; Social Security card; USCIS' Employment Eligibility Verification Form (i.e., USCIS's I-9 Form) filled out for YOUR employees; USCIS' Petition for a Non-Immigrant Worker Form (i.e., USCIS's I-129 Form) filled out for YOUR employees; YOUR "Employment Eligibility Questionnaire" in any of its forms (e.g., Bates stamp number ("BSN") ORACLE_HQCA_1279 & 2003); YOUR "VISA Status Questionnaire" in any of its forms (e.g., ORACLE_HQCA_916).

RESPONSE TO REQUEST FOR PRODUCTION NO. 133:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to the term IDENTIFYING as a capitalized yet undefined term. The commonly understood meaning of the term renders the Request vague, ambiguous and unintelligible. Oracle further objects to this Request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

Oracle further objects to this Request on the grounds that it is internally redundant and redundant of information and documents Oracle has already produced to OFCCP and therefore unduly burdensome and not reasonably proportional to the needs of this case. Oracle further objects to this Request on the grounds that the information requested is neither relevant to any party's claim or defense nor proportional to the needs of the case. In the event the requested documents are relevant in some manner, such materials are only tangentially relevant to matters legitimately in issue in this case and disproportionate when weighed against the burden and expense of the requested discovery in relation to any likely benefit from it. Oracle further objects to this Request on the grounds that it is irrelevant and oppressive in its entirety with respect to its categorical attempt to seek information concerning employees in the Information Technology, Product Development and Support Job Functions, in that the information requested could be plausibly relevant only to hiring claims and OFCCP has not made and does not make such claims broadly with respect to those Job Functions. Oracle further objects to this Request on the grounds that, in its attempt to obtain birthplace, date-of-birth, social security and other personal information, it is unreasonably and impermissibly invasive of the privacy rights of individuals. Oracle further objects to this Request on the grounds that it purports to require production of broad, cumulative and redundant immigration, visa, citizenship and work eligibility information and as such is beyond, and an abuse of, OFCCP's authority and jurisdiction. Oracle further objects to this Request on the grounds that most of the information requested in it is maintained only in hard-copy files and therefore not readily retrievable without extensive manual searches and so is oppressive and unnecessary to resolution of the matters legitimately in issue in this case. Given the burden and objectionable nature of this Request for broad immigration, visa, citizenship and work eligibility information, and the apparent lack of relevance of such information, and the scope of the population for which such information is being requested, Oracle, on February 11, 2019, two weeks before these responses and objections were due, sent a letter to OFCCP asking it to articulate a rationale for these immigration, visa and work eligibility requests and to participate in working out the difficult issues they raise, to which the OFCCP

responded on February 20, 2019, but without providing a rationale for this sweeping and invasive discovery or any expression of interest in meeting and conferring about the matter.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that it is prepared to meet and confer with OFCCP in good faith and may amend or supplement its response and objections as merited.

REQUEST FOR PRODUCTION NO. 134:

For all of the people who were YOUR employees in the Information Technology, Product Development AND Support Job Functions during the RELEVANT TIME PERIOD who were not citizens of the United States at any time during the RELEVANT TIME PERIOD, produce, to the extent not otherwise produced in response to the previous request, all DOCUMENTS of a person having a US VISA OR any extension thereto (e.g., E-3, F-1, F-1 with OPT EXTENSION, F-1 with STEM OPT EXTENSION, H-1B, H-4, J-1, L-1, L-1A, L-1B, L-2, O-1, TN, CAP-GAP EXTENSIONS); employment authorization card (e.g., filled out I-765 form for YOUR employees); employment authorization document; Social Security card; USCIS' Employment Eligibility Verification Form (i.e., USCIS's I-9 Form) filled out for YOUR employees; USCIS' Petition for a Non-Immigrant Worker Form (i.e., USCIS's I-129 Form) filled out for YOUR employee; YOUR "Employment Eligibility Questionnaire" in any of its forms (e.g., Bates stamp number ("BSN") ORACLE_HQCA_1279 & 2003); YOUR "VISA Status Questionnaire" in any of its forms (e.g., ORACLE_HQCA_916); Labor Condition Application; Immigration & Naturalization Service Work Authorization; DOCUMENTS RELATING TO YOU sponsoring people for US VISAS.

RESPONSE TO REQUEST FOR PRODUCTION NO. 134:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request on the grounds that it is internally redundant and redundant of information and documents Oracle has already produced to OFCCP and therefore unduly

burdensome and not reasonably proportional to the needs of this case. Oracle further objects to this Request on the grounds that its phrase "all DOCUMENTS of a person" is overbroad, oppressive, and unintelligible and incoherent in its context. Oracle further objects to this Request on the grounds that the information requested is neither relevant to any party's claim or defense nor proportional to the needs of the case. In the event the requested documents are relevant in some manner, such materials are only tangentially relevant to matters legitimately in issue in this case and disproportionate when weighed against the burden and expense of the requested discovery in relation to any likely benefit from it. Oracle further objects to this Request on the grounds that it is irrelevant and oppressive in its entirety with respect to its categorical attempt to seek information concerning employees in the Information Technology, Product Development and Support Job Functions, in that the information requested could be plausibly relevant only to hiring claims and OFCCP has not made and does not make such claims broadly with respect to those Job Functions. Oracle further objects to this Request on the grounds that, in its attempt to obtain birthplace, date-of-birth, social security and other personal information, it is unreasonably and impermissibly invasive of the privacy rights of individuals. Oracle further objects to this Request on the grounds that it purports to require production of broad, cumulative and redundant immigration, visa, citizenship and work eligibility information and as such is beyond, and an abuse of, OFCCP's authority and jurisdiction. Oracle further objects to this Request on the grounds that most of the information requested in it is maintained only in hard-copy files and therefore not readily retrievable without extensive manual searches and so is oppressive and unnecessary to resolution of the matters legitimately in issue in this case. Given the burden and objectionable nature of this Request for broad immigration, visa, citizenship and work eligibility information, and the apparent lack of relevance of such information, and the scope of the population for which such information is being requested, Oracle, on February 11, 2019, two weeks before these responses and objections were due, sent a letter to OFCCP asking it to articulate a rationale for these immigration, visa and work eligibility requests and to participate in working out the difficult issues they raise, to which the OFCCP

responded on February 20, 2019, but without providing a rationale for this sweeping and invasive discovery or any expression of interest in meeting and conferring about the matter.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that it is prepared to meet and confer with OFCCP in good faith and may amend or supplement its response and objections as merited.

REQUEST FOR PRODUCTION NO. 135:

For all of the people who were YOUR employees in the Information Technology, Product Development AND Support Job Functions from January 1, 1985, through AND including December 31, 2012, produce all DOCUMENTS IDENTIFYING a person's eligibility to work in the United States, including, but not limited to, a person being on a US VISA OR any extension thereto (e.g., E-3, F-1, F-1 with OPT EXTENSION, F-1 with STEM OPT EXTENSION, H-1B, H-4, J-1, L-1, L-1A, L-1B, L-2, O-1, TN, CAP-GAP EXTENSIONS); United States Passport; United States identification card; certified birth certificate issued by the city, county OR state of birth; Consular Report of Birth (of U.S. citizen) Abroad OR Certification of Birth; Naturalization Certificate; Certificate of Citizenship; foreign passport with an I-551 stamp; foreign passport with Form I-94 containing an endorsement of nonimmigrant status; alien registration receipt card; alien permanent resident card (aka green card); employment authorization card (e.g., filled out I-765 form for YOUR employees); employment authorization document; Social Security card; USCIS' Employment Eligibility Verification Form (i.e., USCIS's I-9 Form) filled out for YOUR employees; USCIS' Petition for a Non-Immigrant Worker Form (i.e., USCIS's I-129 Form) filled out for YOUR employees; YOUR "Employment Eligibility Questionnaire" in any of its forms (e.g., Bates stamp number ("BSN") ORACLE_HQCA_1279 & 2003); YOUR "VISA Status Questionnaire" in any of its forms (e.g., ORACLE_HQCA_916).

RESPONSE TO REQUEST FOR PRODUCTION NO. 135:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to the term IDENTIFYING as a capitalized

yet undefined term. The commonly understood meaning of the term renders the Request vague, ambiguous and unintelligible. Oracle further objects to this Request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request on the grounds that it is internally redundant and redundant of information and documents Oracle has already produced to OFCCP and therefore unduly burdensome and not reasonably proportional to the needs of this case. Oracle further objects to this Request on the grounds that the information requested is neither relevant to any party's claim or defense nor proportional to the needs of the case. In the event the requested documents are relevant in some manner, such materials are only tangentially relevant to matters legitimately in issue in this case and disproportionate when weighed against the burden and expense of the requested discovery in relation to any likely benefit from it. Oracle further objects to this Request on the grounds that it is irrelevant and oppressive in its entirety with respect to its categorical attempt to seek information concerning employees in the Information Technology, Product Development and Support Job Functions, in that the information requested could be plausibly relevant only to hiring claims and OFCCP has not made and does not make such claims broadly with respect to those Job Functions. Oracle further objects to this Request on the grounds that, insofar as it requests information going back to 1985, it is egregiously overbroad, defies relevancy and can only be viewed as propounded for purposes of harassment and oppression, inasmuch as claims based on acts or omissions outside of the relevant time period are barred by the statute of limitations. Oracle further objects to this Request on the grounds that, in its attempt to obtain birthplace, date-of-birth, social security and other personal information, it is unreasonably and impermissibly invasive of the privacy rights of individuals. Oracle further objects to this Request on the grounds that it purports to require production of broad, cumulative and redundant immigration, visa, citizenship and work eligibility information and as such is beyond, and an abuse of, OFCCP's authority and jurisdiction. Oracle further objects to this Request on the grounds that most of the information requested in it is maintained only in hard-copy files and therefore not readily retrievable without extensive manual searches and so is

oppressive and unnecessary to resolution of the matters legitimately in issue in this case. Given the burden and objectionable nature of this Request for broad immigration, visa, citizenship and work eligibility information, and the apparent lack of relevance of such information, and the scope of the population for which such information is being requested, Oracle, on February 11, 2019, two weeks before these responses and objections were due, sent a letter to OFCCP asking it to articulate a rationale for these immigration, visa and work eligibility requests and to participate in working out the difficult issues they raise, to which the OFCCP responded on February 20, 2019, but without providing a rationale for this sweeping and invasive discovery or any expression of interest in meeting and conferring about the matter.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that it is prepared to meet and confer with OFCCP in good faith and may amend or supplement its response and objections as merited.

REQUEST FOR PRODUCTION NO. 136:

For all of the people who were YOUR employees in the Information Technology, Product Development AND Support Job Functions from January 1, 1985, through AND including December 31, 2012, who were not citizens of the United States at any time during the RELEVANT TIME PERIOD, produce, to the extent not otherwise produced in response to the previous request, all DOCUMENTS of a person having a US VISA OR any extension thereto (e.g., E-3, F-1, F-1 with OPT EXTENSION, F-1 with STEM OPT EXTENSION, H-1B, H-4, J¬1, L-1, L-1A, L-1B, L-2, O-1, TN, CAP-GAP EXTENSIONS); employment authorization card (e.g., filled out I-765 form for YOUR employees); employment authorization document; Social Security card; USCIS' Employment Eligibility Verification Form (i.e., USCIS's I-9 Form) filled out for YOUR employees; USCIS' Petition for a Non-Immigrant Worker Form (i.e., USCIS's I¬129 Form) filled out for YOUR employee; YOUR "Employment Eligibility Questionnaire" in any of its forms (e.g., Bates stamp number ("BSN") ORACLE_HQCA_1279 & 2003); YOUR "VISA Status Questionnaire" in any of its forms (e.g., ORACLE_HQCA_916); DOCUMENTS RELATING TO YOU sponsoring people for US VISAS.

RESPONSE TO REQUEST FOR PRODUCTION NO. 136:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request on the grounds that its phrase "all DOCUMENTS of a person" is overbroad, oppressive, and unintelligible and incoherent in its context. Oracle further objects to this Request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request on the grounds that it is internally redundant and redundant of information and documents Oracle has already produced to OFCCP and therefore unduly burdensome and not reasonably proportional to the needs of this case. Oracle further objects to this Request on the grounds that the information requested is neither relevant to any party's claim or defense nor proportional to the needs of the case. In the event the requested documents are relevant in some manner, such materials are only tangentially relevant to matters legitimately in issue in this case and disproportionate when weighed against the burden and expense of the requested discovery in relation to any likely benefit from it. Oracle further objects to this Request on the grounds that it is irrelevant and oppressive in its entirety with respect to its categorical attempt to seek information concerning employees in the Information Technology, Product Development and Support Job Functions, in that the information requested could be plausibly relevant only to hiring claims and OFCCP has not made and does not make such claims broadly with respect to those Job Functions. Oracle further objects to this Request on the grounds that, insofar as it requests information going back to 1985, it is egregiously overbroad, defies relevancy and can only be viewed as propounded for purposes of harassment and oppression, inasmuch as claims based on acts or omissions outside of the relevant time period are barred by the statute of limitations. Oracle further objects to this Request on the grounds that, in its attempt to obtain birthplace, date-of-birth, social security and other personal information, it is unreasonably and impermissibly invasive of the privacy rights of individuals. Oracle further objects to this Request on the grounds that it purports to require production of broad, cumulative and redundant immigration, visa, citizenship and work eligibility information and as such is beyond, and an

abuse of, OFCCP's authority and jurisdiction. Oracle further objects to this Request on the grounds that most of the information requested in it is maintained only in hard-copy files and therefore not readily retrievable without extensive manual searches and so is oppressive and unnecessary to resolution of the matters legitimately in issue in this case. Given the burden and objectionable nature of this Request for broad immigration, visa, citizenship and work eligibility information, and the apparent lack of relevance of such information, and the scope of the population for which such information is being requested, Oracle, on February 11, 2019, two weeks before these responses and objections were due, sent a letter to OFCCP asking it to articulate a rationale for these immigration, visa and work eligibility requests and to participate in working out the difficult issues they raise, to which the OFCCP responded on February 20, 2019, but without providing a rationale for this sweeping and invasive discovery or any expression of interest in meeting and conferring about the matter.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that it is prepared to meet and confer with OFCCP in good faith and may amend or supplement its response and objections as merited.

REQUEST FOR PRODUCTION NO. 137:

For all of the people who were YOUR employees in the Information Technology, Product Development AND Support Job Functions who YOU identified in response to the prior six requests of this set of document production requests as having any US VISAs, produce, for each type of US VISA previously identified, DOCUMENTS IDENTIFYING the type of US VISA (e.g., E-3, F-1, F-1 with OPT EXTENSION, F-1 with STEM OPT EXTENSION, H-1B, H-4, J-1, L-1, L-1A, L-1B, L-2, O-1, TN, CAP-GAP EXTENSIONS), the start AND end dates of this US VISA AND the country of origin for the employees holding the US VISA.

RESPONSE TO REQUEST FOR PRODUCTION NO. 137:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this Request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle responds further to this Request as

follows: See Responses and Objections to Requests Nos. 131, 132, 133, 134, 135 and 136, which are incorporated herein as if fully here stated. The referenced Requests are objectionable as noted, and this Request cannot be responded to without resolving the foregoing objections. Oracle has not and will not identify individuals in response to the prior Requests, so this Request is unintelligible. This Request is further incomprehensible in that the referenced prior Requests referred in some instances only to employees or college recruits in the PT1 Job Group, and in others only to employees in the Information Technology, Product Development and Support Job Functions. As such, it would require Oracle to analyze information, compile and cross-reference lists and then compile additional information in order to respond to this Request, and, in any event, even if this Request were not incomprehensible and otherwise defective and objectionable for all of the foregoing reasons, Oracle does not have in its possession, custody or control documents that it understands might be responsive.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that it is prepared to meet and confer with OFCCP in good faith and may amend or supplement its response and objections as merited.

REQUEST FOR PRODUCTION NO. 138:

For all of the people who were YOUR employees in the PT1 Job Group OR COLLEGE RECRUITS for the PT1 Job Group during the RELEVANT TIME PERIOD, produce DOCUMENTS sufficient to IDENTIFY their: country of birth, country of origin, race AND gender.

RESPONSE TO REQUEST FOR PRODUCTION NO. 138:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request on the grounds that it is internally redundant and redundant of information and documents Oracle has already produced to OFCCP and therefore unduly burdensome and not reasonably proportional to the needs of this case. Oracle further objects to

this Request on the grounds that the information requested is, if at all, only tangentially relevant to matters legitimately in issue in this case and disproportionate when weighed against the burden and expense of the requested discovery in relation to any likely benefit from it. Oracle further objects to this Request on the grounds that it is overbroad in seeking responsive documents for both the PT1 Job Group and COLLEGE RECRUITS for the PT1 Job Group, and the relevance of the requested documents for either of those groups is not apparent. Additionally, although OFCCP's Amended Complaint included claims related to hiring and recruiting discrimination for both college recruits and experienced employees for the PT1 Job Group, OFCCP has since stated it is not pursuing claims with respect to experienced employees at this time, which further renders this Request overbroad. Oracle further objects to this Request on the grounds that, in its attempt to obtain birthplace, date-of-birth, social security and other personal information, it is unreasonably and impermissibly invasive of the privacy rights of individuals. Oracle further objects to this Request on the grounds that it purports to require production of cumulative and redundant immigration, visa, citizenship and work eligibility information and as such is beyond, and an abuse of, OFCCP's authority and jurisdiction. Oracle further objects to this Request on the grounds that most of the information requested in it is maintained only in hard-copy files and therefore not readily retrievable without extensive manual searches and so is oppressive and unnecessary to resolution of the matters legitimately in issue in this case. Given the burden and objectionable nature of this Request for broad immigration, visa, citizenship and work eligibility information, and the apparent lack of relevance of such information, and the scope of the population for which such information is being requested, Oracle, on February 11, 2019, two weeks before these responses and objections were due, sent a letter to OFCCP asking it to articulate a rationale for these Requests and to participate in working out the difficult issues they raise, to which the OFCCP responded on February 20, 2019, but without providing a rationale for this sweeping and invasive discovery or any expression of interest in meeting and conferring about the matter.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this

Request by stating that it is in the process of updating the database(s) produced to OFCCP, and that to the extent information called for in this Request is in the database(s), that information will be updated and produced.

REQUEST FOR PRODUCTION NO. 139:

Produce all of YOUR POLICIES, PRACTICES OR PROCEDURES RELATING TO employees OR COLLEGE RECRUITS who were not citizens of the United States at any time during the RELEVANT TIME PERIOD being eligible to lawfully work in the United States, including, but not limited to YOUR POLICIES, PRACTICES OR PROCEDURES, RELATING TO US VISAs, passports, permanent resident cards (green cards), OPT EXTENSIONS, STEM OPT EXTENSIONS, CAP-GAP EXTENSIONS, employment authorization card (e.g., filled out I-765 form for YOUR employees); employment authorization document, USCIS' Employment Eligibility Verification Form (i.e., USCIS's I-9 Form) filled out for YOUR employees, USCIS' Petition for a Non-Immigrant Worker Form (i.e., USCIS's I-129 Form) filled out for YOUR employees, YOUR "Employment Eligibility Questionnaire" in any of its forms (e.g., Bates stamp number ("BSN") ORACLE_HQCA_1279 & 2003), YOUR "VISA Status Questionnaire" in any of its forms (e.g., ORACLE_HQCA_916), YOU sponsoring workers for US VISAS, Labor Condition Applications, POLICIES, PRACTICES OR PROCEDURES regarding the eligibility of non-United States citizens to work OR not work in the United States.

RESPONSE TO REQUEST FOR PRODUCTION NO. 139:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request on the grounds that it is internally redundant and redundant of information and documents Oracle has already produced to OFCCP and therefore unduly burdensome and not reasonably proportional to the needs of this case. Oracle further objects to this Request on the grounds that the information requested is, if at all, only tangentially relevant to matters legitimately in issue in this case. Oracle further objects to this Request on the grounds

that it purports to require production of cumulative and redundant immigration, visa, citizenship and work eligibility information and as such is beyond, and an abuse of, OFCCP's authority and jurisdiction. Oracle further objects to this Request to the extent it calls for information beyond that for college recruits for PT1 jobs on the grounds that such discovery is irrelevant to OFCCP's college recruiting and pay equity claims and not reasonably proportional to the needs of this case. Given the burden and objectionable nature of this Request relating to an attempt at broad discovery of immigration, visa, citizenship and work eligibility information, the apparent lack of relevance of such information, and the scope of the business units for which such information is being requested, Oracle, on February 11, 2019, two weeks before these responses and objections were due, sent a letter to OFCCP asking it to articulate a rationale for these immigration, visa and work eligibility requests and to participate in working out the difficult issues they raise, to which the OFCCP responded on February 20, 2019, but without providing a rationale for this sweeping and invasive discovery or any expression of interest in meeting and conferring about the matter.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that, based on its understanding of the Request, the policies, practices and procedures regarding "being eligible to lawfully work in the United States" are reflected in the laws, regulations, and processes set forth by the federal government. Oracle is prepared to continue to meet and confer in good faith concerning this Request and may amend or supplement its response and objections as merited.

REQUEST FOR PRODUCTION NO. 140:

For all of the people who were YOUR employees in the PT1 Job Group OR COLLEGE RECRUITS for the PT1 Job Group during the RELEVANT TIME PERIOD OR YOUR employees in the Product Development, Support, OR Information Technology Job Functions since 1985, produce DOCUMENTS sufficient to IDENTIFY the following information, for each college degree that they obtained at any time: the full name of the college they obtained the degree from, the degree obtained, the year they obtained this degree, the major they acquired this

degree in. This request should include employees listed in the HQCA_iRec_MAIN.xlsx file, AND include the data fields in the APL_EMPLOYMENT _HISTORY, APL_QUALIFICATIONS, AND APPLICANT_PROFILES tabs produced in the PT1_HQCA_iRec_MAIN.xlsx file.

RESPONSE TO REQUEST FOR PRODUCTION NO. 140:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request to the extent that it is redundant of prior requests from OFCCP, and to the extent that responsive information has already been produced by Oracle to OFCCP. Oracle further objects to this Request to the extent it calls for information beyond that for college recruits for PT1 jobs on the grounds that such discovery is irrelevant to OFCCP's college recruiting and pay equity claims and not reasonably proportional to the needs of this case. Oracle further objects to this Request to the extent it calls for production of information outside the relevant time period, as defined, on the grounds that claims based on such information are barred by the statute of limitations, that such information is only tangentially relevant, if at all, to any claims legitimately in issue in this litigation, that this Request, to the extent it asks for such information, is harassing and oppressive, and that such discovery is not reasonably proportional to the needs of this case.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that, as the Request itself reflects, information responsive to this Request has been produced to OFCCP in the database(s) as reflected in Laura Bremer's email and attachment of February 1, 2019, including iRecruitment, Taleo and resume files. Oracle further responds that it is willing to meet and confer with OFCCP concerning updating database information reasonably called for by this Request to the extent it is limited to college recruits and provided that OFCCP will agree to a data-based definition of "college recruits", and to an end-date agreed to between OFCCP and Oracle.

REQUEST FOR PRODUCTION NO. 141:

Produce all COMMUNICATIONS (including, but not limited to, memos, letters, emails, spreadsheets, photographs, transcripts, reports, print outs, text messages, computer screen shots, computer files, to include any attachments to any of these examples) to AND from Larry Lynn, Vice President, College Recruiting, RELATED TO the SELECTION PROCESS for COLLEGE RECRUITS during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 141:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request to the extent it is redundant of prior requests from OFCCP, and to the extent that responsive information has already been produced by Oracle to OFCCP. Oracle further objects to this Request on the grounds that it is internally redundant and, by its terms, calls for search, retrieval and production of duplicative information. Oracle further objects to this Request in its attempt to seek production of any and all emails and attachments, on the grounds that such discovery is overbroad and not reasonably proportional to the needs of this case. Oracle further objects to this Request to the extent that it seeks communications to or from Larry Lynn with college recruits who were not interested in positions at Oracle's Redwood Shores, California headquarters, on the grounds that such discovery is not relevant.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that it is similar to OFCCP's prior Request No. 24, which sought all communications to and from Larry Lynn "related to HIRING COLLEGE RECRUITS;" that meet and confer exchanges took place between Oracle and OFCCP in June through August 2017, pursuant to which Oracle produced to OFCCP a sample of communications, included in ORA_OFCCP008, that OFCCP at that time agreed to further meet and confer with Oracle to identify appropriate search terms for further review and retrieval of such information, and that OFCCP did not further pursue such information. Additionally, and in light of the above, on

February 11, 2019, Oracle sent a meet and confer letter, two weeks before any response or objection to these Requests was due, for the purpose of attempting to work through these issues. Oracle will continue to meet and confer in good faith and may amend or supplement its response and objections as merited. In the meantime, Oracle reiterates its willingness to attempt to reach agreement with OFCCP on reasonable parameters for responding to this Request, especially given the limited amount of time within which to complete discovery, and to identify reasonable search terms for that purpose.

REQUEST FOR PRODUCTION NO. 142:

Produce all COMMUNICATIONS (including, but not limited to, memos, letters, emails, spreadsheets, photographs, transcripts, reports, print outs, text messages, computer screen shots, computer files, to include any attachments to any of these examples) to AND from Thomas Kurian RELATED TO the SELECTION PROCESS FOR COLLEGE RECRUITS OR PAY DECISIONS for the Product Development Job Function during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 142:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request to the extent it is redundant of prior requests from OFCCP, and to the extent that responsive information has already been produced by Oracle to OFCCP, including workflow data and pay decision documents. Oracle further objects to this Request on the grounds that it is internally redundant and, by its terms, calls for search, retrieval and production of duplicative information. Oracle further objects to this Request in its attempt to seek production of any and all emails and attachments, on the grounds that such discovery is overbroad and not reasonably proportional to the needs of this case. Oracle further objects to this Request on the grounds that, by its terms, it would require an exhaustive search and review exercise of the communications, including all email communications, of a senior executive